

28TH WITNESS FOR PROSECUTION -- Mr. De SILVA.EXAMINATION IN CHIEF (CONT).

A. At present -- SHERBROCK INSURANCE LIFE AGENCY.

Q. I understand you were taken a prisoner of war at the fall of Hong Kong?

A. That is right, sir.

Q. What was your unit in the war?

A. I was a Lieutenant in the H.K.V.D.C.

Q. Where were you interned?

A. I was interned up to the 18th of April 1942 in SHAM SHUI PO Camp, and then I was transferred with the rest of the officers to ARGYLL STREET Officers camp and on the 4th of May 1944 re-transferred to SHAM SHUI PO Camp, North end.

Q. Do you know of a Japanese called NAGAMOTO?

A. Yes.

Q. Will you tell the Court what you have to say about NAGAMOTO?

A. A few days before the 6th of June 1944 a Lt PALMER was beaten up by L/Cpl NAGAMOTO, a Formosan in charge of the guards.

Q. What year did you say that was?

A. 6th of June 1944.

Q. Go on?

A. Apparently L/Cpl NAGAMOTO had seen Lt PALMER speaking to one of his men near the wire in the South Camp. L/Cpl NAGAMOTO took Lt PALMER to a guard house and there inflicted a terrible beating on Lt. PALMER.

Q. What was the nickname of this NAGAMOTO?

A. In the Officer's Camp he was known as "CAT AND DOG" but in the men's camp he was also known as "SLAP HAPPY".

Q. How long would that beating have been before the capitulation of the Japanese?

A. The beating inflicted on Lt PALMER was a few days before the 6th of June 1944.

Q. That would be a year before the capitulation?

A. Yes.

The day following Lt PALMER'S beating, Pte NAKASHIMA, also a Formosan, came to the hut very pleased with himself and told me that Lt PALMER deserved his beating. This remark of NAKASHIMA'S got me quite worked up and I told NAKASHIMA that it was a shame the way officers were treated. We were officers and we were prisoners but we were not animals, not cats and dogs. On the 6th of June 1944, after the evening parade, I, accompanied with other officers in camp, returned to our huts. About 10 minutes after that our Camp interpreter, Lt. Cyril Owen of the H.K.R.N.V.R., came to my hut and said I was wanted at the Guard House. When I arrived at the Guard House, the L/Cpl in charge of the Guards for the next period, 6 p.m. to 6 p.m. the following day, was L/Cpl NAGAMOTO. There I was charged with a statement I made to Pte NAKASHIMA, which was very much amplified. NAGAMOTO accused me of having said that all FORMOSANS in charge of POW Camps would pay with their lives for the way we had been treated. All I said was 'the party guilty for the assaults and offences against POWs would one day pay'. It was quite obvious to me what NAGAMOTO was trying to do. He was trying to gain the sympathy of

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28TH WITNESS FOR PROSECUTION -- Mr. De SILVA.

EXAMINATION IN CHIEF (CONT).

the other Formosans and he insisted that I should admit having said that all Formosans would pay the penalty one day. I refused. L/Cpl NAGAMOTO then started to "Give me the works" -- punching me, slapping me -- he pushed me against the wall and started using his knees on me. When Lt ^{ONE} ~~EARN~~ ^{ACC} who was present at this assault tried to restrain L/Cpl NAGAMOTO, he sent him away from the Guard house. NAGAMOTO carried on for I do not remember how much longer -- another 20 minutes to half an hour, and then Col ~~SUMMERWATTE~~ ^{ONE} ~~WHITE~~ ^{ACC} O.C. of the Camp, came to the Guard House with Lt. ~~EARN~~ ^{ONE} ~~ACC Col WHITE, through Lt ~~EARN~~ ^{ONE} ~~ACC told NAGAMOTO that he was exceeding his authority and that unless I was returned to my hut immediately Col WHITE would report the matter the following day to the Camp Commandant, Lieut WADA. NAGAMOTO was very annoyed and he told Col WHITE he was quite capable of dealing or inflicting any punishment on any prisoner. However NAGAMOTO told Col WHITE that he would give me that night to think it over and that the following morning I would have to admit NAKASHIMA'S charge in full, and I was then sent back, to my hut escorted by Col WHITE and Lieut ~~EARN~~ ^{ONE} ~~ACC. When I returned to my hut COL WHITE, together with my O.C., Col. MITCHELL, asked me what I would do the following morning. I replied I was not prepared to admit to a charge that was false and that was all I was prepared to do. The next morning I was again called to the Guard House, and this time it was much more serious. NAGAMOTO not only used his hands but he had a very thick Dummy Rifle with which he beat me. This went on for some time, I do not know how long, because I was senseless for some of the time, but I do remember seeing Capt GILMAN, who was in charge of the gardeners, passing by the Guard House. The next thing I knew was that Col WHITE, Commander VERNELL and Lt ~~EARN~~ ^{ONE} ~~ACC appeared in the Guard House, and this time they adopted a much firmer attitude with NAGAMOTO and told him they were not going to leave the Guard House unless they they were able to take me away from there. From the Guard House I went straight to the hospital where Capt STRAHAN of the Indian Medical Service gave me a thorough examination and he also gave me some injections and Capt STRAHAN'S medical report was handed over together with other papers to Major MOODY, the D.A.G., immediately after the Japanese surrender.~~~~~~~~

Q. What camp were you in when this beating took place?

A. North Camp, SHAN SHUI PO, Officer's Camp.

Q. Will you tell the Court how long it was after you left ARGYLL STREET that this beating occurred?

A. I left ARGYLL STREET on the 4th of May 1944 and this beating which I received took place on the 6th of June 1944. I remember the 6th of June particularly because it was the anniversary of the landing in Europe.

Q. When was the landing in Europe?

A. It wasn't at the time of the landing in Europe -- it was the first anniversary of the landing in Europe. The actual landing in Europe was on the 6th of June -- on that particular day we were working in the cemetery opposite ARGYLL STREET camp. The day I received the beating was on the first anniversary of that, of that I am positive.

Q. Will you tell the Court what you know of a man called BARNETT?

A. Capt BARNETT was also an officer in the H.K.V.D.C. I witnessed the beating he received from Sgt HARADA, better known to us as "NAPOLEON" ^{ACC}

Q. Where is Sgt HARADA now?

A. The third man from the right in the dock.

Q. Where were you when he beat BARNETT?

A. Capt BARNETT lived in No.1 hut and I lived in No.2 hut. It was during a Red Cross inspection, which were usually lightening affairs. This time we heard voices raised and had to remain to attention for 10 minutes. After the official parade had passed our hut we were dismissed and we ran to the South end of the hut to find out what was the matter. There,

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28TH WITNESS FOR PROSECUTION -- Mr De SILVA.

EXAMINATION IN CHIEF (Cont).

together with others I saw Capt BARNETT being taken out of what was then a vegetable store, and then I saw Sgt HARADA inflict a terrible beating on Capt BARNETT. This beating can only really be understood by anyone who has seen the drill or practice which the Japanese have in their sword play and that was how HARADA held a pole with two hands and inflicted a beating on Capt BARNETT'S shoulders and head. Sgt HARADA knocked Capt BARNETT till he was senseless -- Col WHITE tried to interfere but was pushed aside by Sgt HARADA. However, Capt STRAHAN of IMS, managed to persuade HARADA to stop it, so he called two Formosan guards to fetch a bucket of water and he poured that over BARNETT and then BARNETT revived. Capt BARNETT who was by then crawling and hardly able to walk was marched out of the camp by Sgt HARADA.

No further questions.

CROSS - EXAMINATION -- Mr. FUJITA.

- Q. When you saw Sgt HARADA beat Capt BARNETT were there any other Japanese ~~officers~~ present at that time?
- A. If you include the Formosans as Japanese -- yes -- he was the only Japanese other than the Formosan sentries.
- Q. You testified that BARNETT was knocked senseless and that he was revived by pouring a bucket of water over him, from the time he was unconscious until he was revived, how long was the period?
- A. After Capt STRAHAN spoke to HARADA he told the Formosan sentries to get a bucket of water. Capt STRAHAN rubbed Capt BARNETT'S head for about five to 10 minutes after that Capt BARNETT got to his feet helped by the two Formosan sentries.
- Q. What was the time between when BARNETT was unconscious and until he was revived?
- A. I should say between 7 and 10 minutes.

No further questions.

CROSS-EXAMINATION -- Mr. HASEGAWA -- declined.

RE-EXAMINATION -- declined.

QUESTIONED BY COURT.

- Q. Can you tell the Court how long HARADA was in the same camp as you were?
- A. Sgt HARADA was attached to the Officer's camp in ARGYLL street and that was our first experience of him. It was too long ago for me to give you exact months or periods of time. He was with us in ARGYLL Street Officer's Camp and we got to know him only too well. He was transferred elsewhere -- where, we did not know. The 2nd experience of Sgt HARADA was in SHAM SHUI PO North Camp where we had him for some considerable time until he was relieved by the Sgt who succeeded him, who was much more reasonable, and in fact, we were glad to get rid of Sgt HARADA.
- Q. Apart from this incident you have described when HARADA struck Lt BARNETT could you tell the Court anything about HARADA'S general attitude towards the POWs from anything that you know?
- A. I cannot remember any other specific incident but the fact remains that HARADA had shown his colours so often in the past whenever he entered our camp that we were not at all comfortable when we felt his presence.
- Q. Apart from this incident you yourself do not remember anything else specific against him?
- A. No sir, apart from this incident, I cannot remember any other incident but he was definitely unnecessarily cruel.
- Q. This incident in connection with Capt BARNETT, did this happen before or

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28TH WITNESS FOR PROSECUTION -- Mr. De SILVA

~~EXHIBITION PROCEEDINGS (Court)~~

COURT:

Q. after you yourself were beaten up by NAGAMOTO?

A. Before, because when Capt BARNETT was beaten I was still living in No 2 hut and we subsequently were moved out of that area. When I was beaten up I remember being taken back to the hut where I was right up to the capitulation.

Q. You have just stated to the Court that Sgt HARADA was always unnecessarily cruel -- this is a rather vague and sweeping statement, can you explain other instances of HARADA'S cruelty?

A. I can quite see, sir, that by not being able to remember other incidents my statement is sweeping but it is such a long time ago -- our emotions I do remember; every time we saw this man we were not comfortable, and what caused these emotions went quite far back -- I do not remember any other instance in particular.

Q. This incident which you have described to the Court took place in SHAM SHUI PO Camp, North Camp, and Sgt HARADA ~~HARADA~~ had been with you for some time at ARGYLL STREET, can you recall anything in connection with ARGYLL STREET which should have made you feel uncomfortable when you came back again?

A. I do remember that there were grounds for us dreading the presence of this man but I frankly admit I do not remember any other incidents. These impressions were built up on many many instances, not only one and I am sorry I cannot remember the many and varied reasons that gave him this reputation.

DEFENCE:

I wish to have the following question asked by the Court to the witness:

Was Capt BARNETT beaten only by Sgt HARADA or did somebody else also beat him?

COURT: Do you mean on the occasion when the witness saw the incident?

DEFENCE: Yes when the witness saw the incident?

WITNESS: On that particular occasion the only person or persons I saw striking Capt BARNETT was Sgt HARADA.

COURT: Mr. FUJITA have you any further questions.

DEFENCE: No.

COURT: Mr. HASEGAWA, have you any further questions?

DEFENCE: No.

COURT: Major PUDDICOMBE, have you any further questions?

PROSECUTOR: No.

COURT: Witness may stand down.

The Court is adjourned for five minutes at 1130 hrs RCL
The Court re-assembles at 1135 hrs RCL

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29TH WITNESS FOR PROSECUTION -- Mr. ~~PALMER~~ PALMER RCL

EXAMINATION IN CHIEF.

^{sworn} Witness is, sworn in and questioned by the Prosecuting Officer:

Q. Will you tell the Court your full name?

A. GEORGE THOMAS ~~PALMER~~ PALMER. RCL

Q. I understand that you were a Lieut in the H.K.V.D.C.?

A. Yes.

Q. British Nationality?

A. That's right.

Q. Where were you born?

A. I was born in Beaumaris, Isle of ^{ANGLESEA} Angleis, North Wales.

Q. I understand your present residence is 62 McDonnell Road, Hong Kong?

A. That's right.

Q. What is your present employment?

A. Mercantile Assistant, Brice Bradley & Co.

Q. You were taken prisoner of war by the Japanese at the time of the British capitulation of Hong Kong?

A. That's right.

Q. Will you briefly tell the Court what places you were interned in in HONG KONG?

A. SHAMSHUI PO, subsequently ARGYLL STREET and back again to SHAM SHUI PO.

Q. Will you tell the Court what you know concerning a man called BARNETT?

A. I remember seeing BARNETT, we heard a commotion going on whilst there was a Red Cross inspection and the Red Cross delegate hurried past the back of our hut. We dashed outside to see what was happening and saw BARNETT being rushed into the Quarter Master store -- subsequent to that we wondered what had happened to the Red Cross Delegate and all we saw of him was that he was being taken out of the camp and back into Camp "S" through the no-man's land that was between.

Q. Who was the Red Cross Delegate?

A. ZINDEL was the Red Cross Delegate.

Q. Where was BARNETT?

A. He was still in the store with, I think, a couple of FORMOSANS watching over to see that he did not come out.

The next thing I remember happening was that an interpreter, whose name I have forgotten, but who was known as "COLLAPSE", because he appeared to us as though he would fall, -- he and Sgt HARADA came back to the store and they called BARNETT out.

Q. Where is HARADA now?

A. Third from the right.

Witness identifies Col TOKUNAGA, first man in the dock -- Sgt HARADA, third and Capt SAITO last.

They called BARNETT out and no sooner had he got out, Sgt HARADA went for him tooth and nail. This Japanese was a pretty small man and Capt BARNETT a pretty big one and as he could not get as high as he wanted he picked up a bamboo broom which was laying about and ~~he~~ started belabouring BARNETT just as hard as he could -- he just hit anywhere at all -- over his body and all over his face. Eventually BARNETT was knocked out and fell down whereupon HARADA gave him I would say at least a couple of kicks, and then called for a bucket of water which he threw over BARNETT, apparently to revive him.

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29TH WITNESS FOR PROSECUTION -- Mr. PALMER.

EXAMINATION IN CHIEF (Cont.)

at that time our Medical Officer, Capt STRAHAN came on the scene and he knelt down and tried to interfere -- he was pushed away and told to get out of it. Then BARNETT got to his feet again and the last thing I remember was that he was hustled out of the camp and that was all we saw of him for about a week or ten days.

Q. Do you know anybody by the name of McLEOD and BROWN?

A. Yes, I remember both of them -- what were the initials? BROWN. K.C.

Q. A.R. BROWN?

A. Arthur BROWN, yes. And McLEOD was most brutally treated by NIDMORI. At the time a draft of batmen were being ordered out of the Camp at ARGYLL STREET. There was a lot of farewells going on and NIDMORI shouted something, I do not know what it was but I think it was an order of some sort, to get out of the way. Nobody took notice of this as there was so much noise going on. With that NIDMORI immediately started to push somebody who was near to him -- he pushed BROWN very very severely and delivered a kick at him and when he did that somebody else passed a slight remark, which I heard indistinctly -- it was not a very nice remark actually -- and NIDMORI immediately seized on McLEOD as being the man who had passed the remark. NIDMORI then started to belabour ~~McLEOD~~ McLEOD, kicking at him and striking at him with the scabbard of his sword and literally chasing him around the square, and cursing him in English all the time. Eventually, after having given him a most severe beating, he ceased, because I think he was exhausted. I took McLEOD away from the square because he was a friend of mine and he was very very shaken indeed. The thing that struck me about this was that it was done in the full view of the Camp Commandant whom we had then, Lieut TANAKA. That just reminds me -- That is TANAKA there -- next to SAITO in the box.

Witness identifies Lieut TANAKA.

Q. What did TANAKA do about this?

A. Nothing at all. He made no attempt to interfere or anything else -- he just let it go on.

Q. Do you know anything of a man called GLOVER?

A. Yes, I remember him being severely beaten up one day after a Check parade that was taken by a Sgt. whose name I have forgotten, but whom we called "BASHA-BILL" because he had a mouth full of gold teeth. "BASHA-BILL" in the company of an interpreter called INOUE, severely mauled GLOVER -- apparently for some ~~right~~ slight appraisal and got a very severe beating for it.

Q. Will you tell the Court of any experience of this kind which you yourself may have had?

A. I was very severely beaten up on the night of the 31st of May 1945. On the evening of the 31st of May I was severely beaten up by a Cpl. of the Guards, a Jap whom we called "CAT AND DOG". He first of all started to belabour me outside my hut with his rifle butt, trying to knock the butt down to my feet, hitting me in the ribs with it and a couple of digs at me with his bayonet. Fortunately, I managed to keep away from that. He got mixed up with his play with his rifle and then started with his hands, slapping me right and left as hard as he could. After half an hour he took me away to the Guard room. Col WHITE interferred just before I had been taken up and he said to "CAT AND DOG" something to the effect that this man has had enough punishment, he does not need any more, and CAT AND DOG said something to the effect that he has not had nearly enough yet. I am going to make him pay for calling us "Ditty Formosans". He then ordered Col WHITE and the interpreter to get away from the Guard Room and took me inside. He put his rifle to one side and began to slap me around again. He then left the

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29TH WITNESS FOR PROSECUTION -- Mr. PALMER.

EXAMINATION IN CHIEF (Cont.)

room for half a minute and came back with a bamboo pole roughly 3" to 4" in diameter. Using this like a baseball bat he started to bat me as hard as he could right down my back and right around my legs. That went on for about a quarter of an hour and then he told me to stand to attention in the corner. While I was standing there another officer was brought in, a Lt Cmdr in the RNVR. I have forgotten his name. This fellow had been accused by one of the sentries of having shouted to one of the members of Camp 8 while he was walking around our own enclosure. On this accusation being made CAT AND DOG started shouting at him in Japanese and making a hell of a noise generally. He then seized the bamboo pole and took a swing at this chap with it; this officer, however, was rather close to the wall and the head of the bamboo pole hit the wall instead of the officer. You must remember he was speaking all the time through one of the sentries who spoke English quite well. He had actually asked me originally whether I spoke Cantonese or not, and I thought it best for my own sake to deny any knowledge of Chinese. He went on, after taking one swing at the Lt Cmdr, he dragged him out in the middle again and through the sentry said 'I'll show you what you people get' -- and proceeded to carry on with the bamboo pole just as he had done before. That went on for about five minutes till one of his own sentries shouted something to him and then he said to me "Hr - you go". I managed to get back to my own hut and although a number of people offered me assistance, I refused to accept any assistance just in case "CAT AND DOG" had called me back and perhaps may have called anybody who had assisted me back as well. My friend, a mess mate, Lieut TANWORTH, put me to bed and ~~SHAYLER~~ SHAYLER, who was the Medical Officer came to our hut and sent to the hospital to get me an opiate -- a drug. I attended the Check Parade in the morning being helped on by a couple of the chaps and immediately afterwards went over to the hospital. It was found that I had an extremely high temperature and was admitted into hospital, suffering from shock. That is borne out by my Medical History sheet which you have.

PROSECUTOR: Produce this as an exhibit.

WITNESS: This was an entry from the 2nd ~~May~~ ^{MAY} to 12th ~~May~~ ^{MAY}. Disease -- injuries of buttocks, loin and back and during hospitalization I developed a mild form of ~~bronchitis~~ ^{BRONCHITIS}. ~~ALL~~

COURT: Who was the document made out and signed by?
WITNESS: Capt STRAHAN and Capt ~~EVANS~~ EVANS.

PROSECUTOR: Do you know their signatures?
WITNESS: No, I do not -- that was handed to me from the hospital.

COURT: You say this was handed to you?
WITNESS: Just after the surrender all officers were handed one of these Medical History Sheets in order that he could produce it wherever he went for an examination.

COURT: What is the name of the medical officer who treated you in hospital?
WITNESS: Capt EVANS.

PROSECUTOR: Sir, I hardly think it necessary to produce this document as an exhibit unless the Court thinks it proves something other than what has already been stated.

COURT: Would you say that these extracts represented your injuries following this beating?
WITNESS: Yes, sir.

COURT: . I do not think the document is required as an exhibit.

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29TH WITNESS FOR PROSECUTION -- Mr. ~~PALMER~~. PALMER REC

EXAMINATION IN CHIEF (Cont.)

PROSECUTOR: What were the conditions like in the hospital when you were there.

WITNESS: Absolutely grim -- we had recently been moved over to this new location from the place we had previously occupied. It was much closer to Camp S and we occupied the building previously used by Camp S as a dysentery hospital. In our previous place we had put in a tremendous amount of work to make a decent hospital and had quite succeeded. We were then shifted to this new place and the first I knew of it was when I was admitted on the 1st of June and it really was a foul mess. There was only one lavatory and bathroom for the whole of the hospital and no arrangements made for surgery or anything else. The night I got in there -- it started to rain about 10 o'clock at night and by about midnight the place was just like a swimming pool. It was so bad that all the Medical orderlies who were employed in the hospital were all up trying to move the beds away from the water that was spurting through the roof, dripping from the side and generally mopping up the floors.

Q. Can you tell the Court the reason you were moved from the hospital which you got into good shape to this place which you have just described?

A. No, we hadn't a clue at all.

Q. When the hospital what use did the Japanese make of it?

A. No use at all -- it was just wired off.

Q. Are you able to tell the Court anything of HARADA other than the beating which he gave?

A. Nothing but personal opinion.

Q. On what do you form the opinion?

A. I thought personally that he was a man who tried to give the appearance of being 'hail fellow well met' and trying to give the impression that he was a man who did all he could for the prisoners. But it was very noticeable that after he had paid one of his visits -- walking around and talking to people -- there would be some new restriction placed on the Camp.

Q. Sgt HARADA would make a new regulation?

A. It sometimes did not come from him -- it sometimes came from the interpreter. For instance, when he came to us in 1943, he came around the huts and asked if our lectures were interesting and so on.

Q. What was his position at that time?

A. He was the Camp Sgt. He was the man who used to come around.

Within a couple of days of his visit, lectures were banned altogether. Also numerous small classes, such as language classes -- and things like that. These were small classes of a group of about half a dozen or one dozen people. HARADA came into our hut one day and made quite a few enquiries about what was happening in the Camp and what classes the pows were attending and one thing and another. And again these classes were stopped -- in fact all gatherings of more than two people were completely banned.

Q. Have you any observations to make in respect of the treatment of Chinese civilians by the Japanese Camp personnel?

A. I remember an occasion in 1942 when most of the Officers were stopping in JUBILEE buildings of SHAM SHUI PO Camp.

Q. When in 1942 was that event?

A. The early part -- before we moved from SHAM SHUI PO to ARGYLL STREET. It would be between January and April but I could not say exactly.

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29TH WITNESS FOR PROSECUTION -- Mr. PALMER.

EXAMINATION IN CHIEF (Cont.)

- Q. Was it before the 24th of January?
 A. It was very early after the incarceration but I could not be exact at all.
- Q. If it was not after the 24th of January it will not be relevant.
 A. Well then, I have no special instances except for general beatings which I saw now and again outside ARGYLE STREET.
- Q. What did you see?
 A. Several times sentries getting hold of Chinese passers by and knocking them about generally; on one occasion making two Chinese stand facing each other and just smacking each other. If they did not smack hard enough the sentry would smack them for not hitting hard enough.

No further questions.

CROSS-EXAMINATION -- Mr. FUJITA.

- Q. About the BARNETT incident, you said that there was an interpreter, was this interpreter a Japanese?
 A. I don't know the difference between a Formosan and a Japanese -- to me they all look alike and as far as I am concerned, if a Formosan is a Japanese, he was Japanese.
- Q. Were you interrogated through this interpreter?
 A. When?
- Q. After being taken out of the store-house?
 A. I was not, I had nothing to do with it.
- Q. Did you see whether BARNETT was interrogated through this interpreter?
 A. I did not see any interrogation at all -- all I saw was BARNETT coming out of the store room and immediately being set on by Sgt HARADA.
- Q. Then when HARADA beat BARNETT, was the interpreter still present?
 A. The interpreter was still present.

No further questions.

CROSS-EXAMINATION -- Mr. HASEGAWA -- declined.Re-EXAMINATION -- declined.QUESTIONED BY COURT

- Q. For what reason were you beaten by HAGAMOTO?
 A. Actually I was seen by the sentry throwing a packet of cigarettes over to Camp S.
- Q. With regard to the episode with Lt McCLEOD, from what you heard of the remark made were you very surprised that NIIMORI should be annoyed?
 A. Not very.

COURT: Mr. Fujita, are there any further questions. DEFENCE: No.
 Mr. Hasegawa, are there any further questions. DEFENCE: No.
 Major Puddicombe, are there any further questions. PROSECUTOR: No.

Witness may stand down.

The Court is adjourned until 1000 hours, 17 December 46.

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NO. 5 WAR CRIMES COURT.

17TH DAY'S Proceedings of the trial of Col. TOKUNAGA Isao,
Capt. SAITO Shunkichi, Lt. TANAKA Hitoshi, Interpreter TSUTADA
and Sgt. HARADA Jotaro.

(Held at JARDINE MATHESON'S East Point Godown on Tuesday,
17 December, 1946.)

²⁴
The Court re-assembles at 1000 Hours.

30~

20TH WITNESS FOR THE PROSECUTION - Mr. E.P. WISEMAN.

On being sworn is examined by the Prosecutor.

Q. Are you Eric Philip WISEMAN?
A. Yes.

Q. You were Lieutenant, Acting Captain in the Royal Army Service Corps?
A. Yes.

Q. 29 years of age, of British nationality, born in MALAYA?
A. Yes.

Q. Your present occupation is with JARDINE MATHESON'S ?
A. Yes.

Q. I understand you were taken POW on 25 December, 1941, at the time the Japanese occupied HONG KONG?
A. Yes.

Q. Will you tell the Court briefly where you were interned?
A. At the time of the surrender I was in QUEEN MARY Hospital, having been wounded a few days before. I had an artificial leg then from before the war. On 20 January I was removed to BOWEN Road British Military Hospital. Towards the end of May we were ordered to give our parole.

Q. Just outline where you were during the whole of the imprisonment - we will come back to the details.
A. I was there till 20 January 1942, 3rd June I was removed from BOWEN Road and taken to STANLEY Prison. 20 June I was moved from STANLEY Prison to ARGYLL Street Camp. Then to the middle of 1944 I was in ARGYLL Street until the camp moved to SHAM SHUI PO and remained there till the Japanese surrender.

Q. Will you tell the Court the occasion of your removal from BOWEN Road Hospital in June, 1942?
A. I left the hospital on 3 June. Towards the end of May the hospital was ordered to give their ~~body~~ parole. ^{as everybody in} On 3rd June, two of us, including myself, who refused to give this promise were removed from the hospital. My companion Lt. DYNES RNVR and myself were taken over to KOWLOON to the flats ~~now~~ in FORFAR Street, the POW HQ. After some time we were taken upstairs and marched before Col. TOKUNAGA and members of his staff, over a dozen Japanese personnel being present.

Q. Where is Col. TOKUNAGA now?
A. The elderly prisoner sitting on his own in the right-hand corner, his right-hand corner. We were ordered again to sign this parole form and after half an hour or so of shouting we still refused. We were ordered to strip. At this time Col. TOKUNAGA had been seated. I had not taken off my artificial leg but removed all other clothing. I had not removed the leg because I had a letter

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Mr. E. P. WISEMAN.

A/Ctd.) concealed inside it. I was ordered to remove it. I did so and the letter was discovered.

Q. How was the letter discovered?

A. It fell out when it was shaken. Directly Col. TOKUNAGA appreciated what was happening, he leapt to his feet from the sofa where he was sitting, came across the room and proceeded to knock me around. Proceedings were conducted fairly leisurely and the Interpreter, I think NIIMORI, translated to me Col. TOKUNAGA'S remarks in between blows, which were to the effect that I had no sense of shame or decency and that my behaviour was conspicuously not that of an officer or gentleman. After that I was helped to a seat and even allowed to rest.

Q. How many times did TOKUNAGA hit you?

A. At least 6 times.

Q. How hard were the blows?

A. I was only standing on one leg and was knocked from one side of the room to the other on each occasion.

Q. Were these remarks that he made given at one time or dispersed?

A. Between blows. We were then ordered to dress and were presented with a form which stated that we appreciated we had committed an act equivalent to mutiny and would be punished for that crime according to the Japanese Army code. We were then taken to STANLEY Prison, first having an interview with Col. NOMA of the gendamerie. Col. NOMA informed us we had been handed over to him by Col. TOKUNAGA to be taught discipline.

Q. How long did you stay in STANLEY?

A. We only stayed in STANLEY 18 days.

Q. How did it come that you left STANLEY?

A. DYNES and myself both decided to give our parole and so were taken out of prison and returned to camp.

Q. To hark back a minute to BOWEN Road Hospital. Have you any information to give the Court respecting the treatment of Chinese civilians by the POW guards there?

A. I was told that the Matron's boy who had been sent down to the town to buy her some supplies was caught leaving the hospital premises and was tied up in the guard room for 48 hours, being beaten at intervals and given no food.

CROSS EXAMINATION.

Q. You just testified that TOKUNAGA's blow was hard enough to knock you across the room. How large was the room?

A. About 20 feet; I was standing in the middle.

Re-Examination Declined.

QUESTIONED BY THE COURT:

Q. Can you tell the Court what sort of treatment did you get when you were at STANLEY?

A. We were placed in separate cells in "D" block and kept under solitary confinement for the 18 days we were there. We had 2 meals of rice a day, at 10.30 and 4.30, each meal being about 4 to 5 ozs. of rice. The only time we were allowed out of the cell was about 7 o'clock each morning when we emptied the buckets which were there for latrines. During the day we were supposed to spend the period from 1 in the morning

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Mr. E.P. WISEMAN.

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A(Std.) until 9 at night squatting on our ~~benches~~ facing the wall.
At intervals inspections of the block were made and on various occasions we were beaten by Japanese junior officers and NCOs. At night we could shout to each other.

Q. During your interview with Col. TOKITAGA, was Lt. DINES assaulted by him?

A. No.

Q. Do you attribute the beating you got from Col. TOKITAGA to your refusal to sign the parole or to the fact that the letter was found in your possession?

A. To the discovery of the letter.

Q. Was it a letter you had written or one which you had received?

A. One I had received for transmission.

Q. When Col. TOKITAGA was striking you, how was it you did not fall to the ground, with only one leg?

A. I knocked against the wall.

Q. What did he use to strike you with?

A. His clenched fist.

Q. On what ^{part} of your body?

A. Under the jaw.

QUESTION PUT THROUGH THE COURT - By Defence Counsel.

Q. While you were in STANLEY Prison and when the Japanese NCOs came to inspect, were you still inside the cells or out in the hall?

A. Out in the hall.

(No more questions).

PROSECUTOR: As we are getting rather behind in the matter of affidavits, with your permission I will spend the rest of the morning and deal with this particular charge.

COURT: Before you start, referring to your list of witnesses there is one called Eugene MAK. Are you calling him?

PROSECUTOR: I meant to explain that his evidence comes in more logically under the 6th and 7th charges.

COURT: There is a Mr. RANCE.

PROSECUTOR: He is at present in JAPAN giving evidence in a trial there and may or may not be back in time. If he is not back before the Prosecution closes, I will make an application to produce his affidavit.

PROSECUTOR: The first affidavit is that of Major M.T.G. MACAULAY which is Exhibit E(2).

(Affidavit of Major MACAULAY read by Prosecutor.) ²⁴
COURT: Paras. 3, 4, 5, 6 and 7 are not supporting. We should go on with paragraph 8.

RU
WAARDENBERG

PROSECUTOR: The next is of Petty Officer Van ~~WOLLENBERG~~, O(2).
(Affidavit of Petty Officer Van ~~WOLLENBERG~~ read by Prosecutor.)
WAARDENBERG RU RU

PROSECUTOR: Next is that of Lt. Comdr. J.J. SOLWAY which is P(2).
Affidavit of Lt. Comdr. SOLWAY read by Prosecutor.
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PROSECUTOR: The next affidavit is of Lt. HUIDENOPER, C(2)
(Relevant portions of the affidavit of Lt. HUIDENOPER read by
Prosecutor.)

PROSECUTOR: The next is the statement of Accused TSUTADA Itsuo
which has been produced as R(2)
(Statement of Accused TSUTADA Itsuo read by the Prosecutor.)

PROSECUTOR: Next, the statement of the Accused HARADA, S(2).
(Statement of Accused HARADA Jotaro read by Prosecutor.)

The Court goes into temporary recess at 1130 hrs. RCL
The Court re-assembles at 1135 hrs. RCL

PROSECUTOR: That concludes the affidavit evidence on the first
charge, beatings of POWs. But there are still 2 wit-
nesses, one who will appear this afternoon and HALLQUIST
who may or may not appear.

We now come to the first charge (b). There is one
affidavit here, i.e. U(2) of Pte. HANEL.
(Affidavit of Pte. J.J. HANEL read by Prosecutor.)
COURT: Paras. 2 and 3 are not purporting to be relevant and need not be read RCL

PROSECUTOR: The next is under sub-section (e) of the 1st charge -
inhumane working of the POWs when they were physically
unfit. It is Exhibit V(2) of Pte. HALLQUIST.
(Affidavit of Pte. HALLQUIST, omitting 2nd para., read by Prosecutor)

PROSECUTOR: The next comes under the second charge, North Point Camp,
and it is (c) headed "beating of POWs". The 1st affi-
davit is of Pte. W. HARDING, Exhibit W(2).
(Affidavit of Pte. W. HARDING read by Prosecutor, omitting para. 3)

PROSECUTOR: The next is of L/Cpl. SHAYLER which is X(2).
(Relevant portions of affidavit of L/Cpl. W.A. SHAYLER read by
Prosecutor.)

PROSECUTOR: I take it, Sir, that the original affidavit will be
returned and the extracts substantiated by your checking
them now.

COURT: That will be done.

PROSECUTOR: The next is Y(2) of Lt. R.A.H. CAMPBELL.
(Affidavit of Lt. R.A.H. CAMPBELL read by Prosecutor.)

PROSECUTOR: The next is Z(2) of Pte. I. BERZENSKI.
(Relevant portions of affidavit of Pte. BERZENSKI read by Prosecutor)

PROSECUTOR: The next affidavit is on the sub-section (f) of the
2nd charge - compelling POWs to sign forms not to attempt
to escape. It is A(3)
(Affidavit of Lt. John PARK read by Prosecutor.)

PROSECUTOR: The next is the collective punishments hearing and
I will read B(3) and C(3). B(3) is the affidavit of
Staff Sgt. H.P. MACLAUGHLIN.
(Affidavit of Staff Sgt. MACLAUGHLIN read by Prosecutor.)

COURT: Paragraph 3 does not appear to be covered by the dates of the charges.
Paragraph 3 will be omitted.

PROSECUTOR: The next Exhibit C(3) is of C.S.M. Frank LOGAN.
(Relevant portions of affidavit of C.S.M. LOGAN read by Prosecutor)

At 1230 hrs. the Court adjourns till 1400 hrs.

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The Court re-assembles ^{RCC} at 1400 hours.

FIFTH CHARGE - BOWEN ROAD HOSPITAL

- (a) Lack of Food and Failure to Provide Medical Treatment, Equipment and Supplies.

Prosecutor reads the affidavit of ALBERT KIROVAC -- Exhibit D(3).

(Delete paragraphs 3 to 11 ^{delete deleted as irrelevant RCC}

- (b) Beating and Harsh Treatment of Hospital Staff and Patients:

Prosecutor reads the affidavit of Rfn. R. SWEET -- Exhibit E(3).

(Delete up to paragraph 18 -- rest of paragraph is not pertinent.
(Start with paragraph 20).

^{RCC}
31st WITNESS FOR PROSECUTION -- Mr. W. STONKER.

Witness is ^{duty} sworn ~~in~~ and questioned by the Prosecuting Officer:

- Q. Your name is William ^{RCC} STONKER?
A. That's right.

- Q. I understand you were a lieutenant in the H.K.V.D.C.?
A. Yes.

- Q. 38 years of age and of British Nationality?
A. Yes.

- Q. Born in Harrington, Yorkshire, England?
A. Yes.

- Q. Your present address is C/o the Hong Kong Electric Company, H.K.
A. That's right.

- Q. I understand that you were taken a prisoner of war by the Japanese at the time of their entry into the Colony in 1941, is that right?
A. Yes.

- Q. Will you tell the Court briefly where you were interned?
A. After leaving STANLEY, at NORTH POINT, then for a short time at Hospital; taken to SHAM SHUI PO the second or third week in January 1942, moved from there to ARGYLL STREET and three or four months later returned to SHAM SHUI PO in 1944., where I was when the Colony was relieved.

- Q. Will you look at the accused and tell the Court if you can identify any of them?
A. Col TOKUNAGA that was the Camp Commandant on the left in front. Second from the left at the back is Sgt HARADA, known as NAPOLEAN.

- Q. What do you know about HARADA?
A. I do not know what the date was but it was on the day that ZINDEL visited SHAM SHUI PO Camp. BARNETT and I were in the same hut when ZINDEL went through the hut. BARNETT ~~then~~ said something to him, which I did not hear, and he was then removed from the hut. After the Red Cross representative left HARADA took BARNETT out of the small room in which he had been imprisoned and beat him with a bamboo pole. BARNETT dropped to the ground, I do not know whether he was unconscious or not, but while on the ground HARADA kicked him despite the efforts of Col SIMON WHITE, Dr. STRAHAN and one or two others to stop him. The whole beating up was carried out by HARADA.

- Q. Do you know a man called McLEOD?
A. He was a Lieut in the Dock Yard Defence Corps.

- Q. What have you got to tell the Court about him?

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31st WITNESS FOR PROSECUTION -- Mr. W. STOKER.

EXAMINATION IN CHIEF (Cont.)

A. At the time a draft left ARGYLL STREET, the interpreter kicked him because he ~~was~~ said he got too near the wagon.

Q. Do you know a man called BROWN?

A. BROWN was a Lieut in the H.K.N.V. NIIMORI kicked him also.

Q. At the same time?

A. I am not certain.

Q. Can you say approximately when either one or both of these beatings took place?

A. At the time the batmen were moved on draft at ARGYLL STREET.

Q. I mean the date or year?

A. No, I cannot remember.

Q. Do you know of a man called GLOVER?

A. GLOVER was also a Lieut in the H.K.N.V.

Q. What became of him?

A. He was beaten by one of the interpreters and kicked when he was knocked over on the ground.

Q. Who was present when this happened?

A. Quite a number of POWs in the camp.

Q. Who was present when McLEOD and BROWN were beaten?

A. Practically all the prisoners in the camp.

No further questions.

CROSS-EXAMINATION -- Mr. FUJITA -- declined.

CROSS-EXAMINATION -- Mr. HASEGAWA -- declined.

COURT: Witness may stand down.

Prosecutor reads the affidavit of Sgt. J.W. HARLOW -- Exhibit F(3).

COURT: In the next paragraph you will notice the same thing which we deleted in another affidavit. I think we should delete the name of the accused and the date as we had deleted it in the other affidavit. This refers to Rfn. TIBBETTS affidavit -- Exhibit G(2) -- in which the name and the date were deleted and so we will do the same in this affidavit also.

Prosecutor reads the affidavit of Rfn. J.W. ARCHIBALD - Exhibit G(3).

Prosecutor reads the affidavit of Cpl. J.T.F. MURRAY - Exhibit H(3).

Prosecutor reads the affidavit of Pte D. BAXTER -- Exhibit J(3).

Prosecutor points out that in the two preceding affidavits, G(3) and H(3), one was taken in Sussex and the other in Winnipeg, Manitoba.

Prosecutor reads the affidavit of Sgt R.J. ROUTLEDGE -- Exhibit I(3).
(Delete paragraphs 2, 3, 4 and 5).

The Court is adjourned for five minutes recess, 1130 hrs RCL
The Court reassembles at 1135 hrs RCL

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275~~SIXTH AND SEVENTH CHARGES~~

SIXTH AND SEVENTH CHARGES, re PAYNE, BERZENSKI, ELLIS AND ADAMS
ESCAPE AND EXECUTION.

Prosecutor reads the affidavit of Cpl. G.C. MEAGHER -- Exhibit L(3).

Prosecutor reads the affidavit of Pte W.S. ROBERTSON -- Exhibit M(3).

Prosecutor reads the affidavit of Sgt E. RODRIGUES -- Exhibit N(3).

Prosecutor reads the affidavit of Pte S. BARASKIWICH -- Exhibit O(3).

Prosecutor reads the affidavit of Sgt. G.E. PLUMMER -- Exhibit P(3).

The Court is adjourned until 1400 hours, Wednesday the
18th December 1946.

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NO 5 WAR CRIMES COURT.

EIGHTEENTH DAY'S proceedings of the trial of Col TOKUNAGA ISAO, Capt SAITO SHUNKICHI, Lieut. TANAKA HITOSHI, TSUTADA ITSUO (Interpreter) and Sgt HARADA JOTARO, held on the 18th December 1946.

(Held at ⁱⁿ Jardine Matheson's East Point Gardens - HONG KONG).

1400 hours.

The Court reassemble pursuant to adjournment at 1615 hours on 17 December 1946.

Prosecutor reads the Record of Evidence of W.L. HARRINGTON - Exhibit Q(3).

Prosecutor reads the Record of Evidence of L/Cpl HILLS - Exhibit R(3).

COURT: (The ^{rest of} ~~read~~ of the affidavit is not material -- Q21 onwards).

Prosecutor reads the Statement of Accused TANAKA HITOSHI - Exhibit S(3).

Prosecutor reads the Statement of Accused TANAKA HITOSHI - Exhibit T(3).

Prosecutor reads the Statement of Accused TANAKA HITOSHI - Exhibit U(3).

Prosecutor reads the Statement of Accused TANAKA HITOSHI - Exhibit V(3).

Prosecutor reads the Statement of Accused TOKUNAGA ISAO - Exhibit W(3), dated 27th April 1946.

Prosecutor reads the Statement of Accused TOKUNAGA ISAO - Exhibit X(3), dated 5th July 1946.

Prosecutor reads the Statement of Accused SAITO SHUNKICHI - Exhibit Y(3) dated 5th July 1946.

Prosecutor reads the affidavit of SADAYOSHI NAKONISHI listed as Exhibit Z(3).

COURT: Major PUDDICOMBE, the translation of the original marked as Exhibit "A" and attached to this ^{document} ~~document~~ of SADAYOSHI NAKONISHI, by whom is it translated or by whom is it certified?

PROSECUTOR: I do not understand what you mean, sir.

COURT: Witness has produced certain documents in Japanese, presumably the English translation here is a translation made from these documents, is that correct? It is rather essential for the Court to know by whom they are translated and certified in order to ascertain that they are a correct translation.

PROSECUTOR: I have nothing more than the document here, sir. You will notice that Col TOKUNAGA was shown the original and agreed that it was his report.

COURT: Before we can have this document read the Court will have to consider whether it has been properly proved or not.

The Court is closed.

The Court reopens

COURT: The document marked Z(3) by the Court, with the Appendix thereto, produced by Capt COLLIERSON -- so far as the affidavit itself goes, it is already proved and authenticated but the English translation of the Japanese document bears no certification of any kind that they are correct translations. That these are, in fact, translations of the Japanese documents should be proved and authenticated and, therefore, if you wish to put this translation in you will have to call the interpreter to the Court to certify that the English translations here are correctly translated from the Japanese originals. You will appreciate that until that is done the translations cannot be read out in Court.

PROSECUTOR: Sir, I would point out that the Document has already been received by the Court.

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COURT: Yes -- regarding the Japanese document already referred to there is a certification but unfortunately there is no sworn certificate that the translations are correct translations. In this respect you will find the reference on page 78 of the proceedings: "The statement of Sadayoshi Nakonishi and translation of attached document into English was handed to the Court and attached to the proceedings". It sometimes happens that when documents are produced they may be translated here or elsewhere, and the Court receives them where they have been fully and properly proved. In this case the affidavit of Sadayoshi Nakonishi is certified but the translations have not as yet been proved. I do not think it should be a very difficult matter to have the interpreter to certify these?

PROSECUTOR: The translator is in Japan.

COURT: Any competent translator here would be capable of going through these documents and testifying that they are a correct translation -- you do not need to have the man who originally translated the Japanese documents.

PROSECUTOR: Would it be possible for the interpreter to take the original and I shall read what is translated here and he can check it as it is read?

COURT: I think the best course will be for the Court to adjourn for such time as is necessary and let the interpreter and monitor go through these documents and they can make a sworn statement as to whether this is a correct translation or not. If on the other hand it will be more convenient for you to do that tomorrow, leave these translations over for a moment and read any other affidavits that you wish, and after the Court adjourns this afternoon these documents can be read, checked and certified and they can be read in Court tomorrow morning.

PROSECUTOR: I have two affidavits of the Accused's, TOKUNAGA ISAO, which I can read (Exhibits A(4) and B(4)) but I do not think these will take up the whole afternoon. I would not like to read ZINDEL'S report as it is rather a lengthy one, and there may not be time enough to finish it this afternoon.

COURT: Is the charge referring to Lt HADDOCK in ZINDEL'S affidavit?

PROSECUTOR: No sir.
I have here three affidavits which are pertinent to the 10th charge -- 'Wanton beating, torturing, wounding and killing of Chinese civilians' -- and another one with regard to the 11th charge which deals with the illtreating of HADDOCK.

COURT: I suggest you read the two further statements made by Col TOKUNAGA first and then we shall see what time there is for further reading.

DEFENCE: Is there a certified signature on the translations from the Japanese documents?

COURT: The affidavit of Mr. Sadayoshi Nakonishi is certified as correct and signed by him, but there is no signature certifying the translations from the Japanese documents and as such the Court cannot have them read. There are a number of documents in English but there is nothing to show whether they are, in fact, correct translations of the Japanese documents or not and therefore we must find out whether they are.

DEFENCE: I understand.

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Prosecutor reads Statement by the Accused TOKUNAGA ISAO, Exhibit A(4).
dated 27th April 1946.

Prosecutor reads Statement by the Accused TOKUNAGA ISAO, Exhibit B(4)
dated 9th August 1946.

Exhibit C(4) -- Red Cross Delegate, ZINDEL (will be read
on the following day.

Prosecutor reads the affidavit of L/Cpl S. TYLER -- Exhibit D(4).

COURT: I think you might also read the affidavits of Capt ROYAL and Pte
WOODHEAD as they also deal with this charge.

Prosecutor reads the affidavit of Capt BERT ROYAL -- Exhibit E(4).
(second half of paragraph 2 is not pertinent -- paragraph 3...)

Prosecutor reads the affidavit of Pte CHARLES OSBORNE WOODHEAD - Exhibit F(4).

COURT: Rest of paragraph 1 and paragraph 2 do not seem to be pertinent.
Continue from paragraph 3.

COURT: It is not clear from this affidavit on what day this witness went
to ARGYLL STREET CAMP. It would appear he went on the 24th of
December 1941, although he remained there until 15th March 1942 --
there is nothing whatever to show what were the dates at ARGYLL
CAMP on which he saw the incidents that are referred to in para-
graphs 7 and 8. I think these can be excluded.

Prosecutor reads paragraph 9.

COURT: I think perhaps as the interpreter and monitor are not ready with
the checking of the translation of Z(3) and the appendix of Mr.
Sadayoshi Nakonishi' Statement, the Court will adjourn.

The Court is adjourned until 1000 hours tomorrow the 19th December
1946.

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NO. 5 WAR CRIMES COURT

19TH DAY'S Proceedings of the Trial of Col. TOLUNAGA Isao,
Capt. SAITO Shunkichi, Lt. TANAKA Tatoshi, Interpreter TSUTADA
and Sgt. HARADA Jotaro.

(Held at Jardine Matheson's East Point Godown on Thursday
19 December, 1946.)

^{RU}
The Court commenced at 1000 hrs.

PROSECUTOR: I want to give notice now that Lt-Col. KERR whose
affidavits are in the record is present in the Colony
and, with your consent, I will produce him as a
witness on Monday.

One other witness is a formal witness Major LIGHTBODY
the Graves' Registration officer who will produce the
records of the burial of 4 or 5 British prisoners
mentioned in the charge in regard to shooting under
escape and verification of the death of REZESSIY,
ELLIS and ADAMS that is in the ^{seventh} fifth charge.
^{RU}

32nd WITNESS FOR THE PROSECUTION- Mr. Henry K.Y. HSU.

^{an affirmation RU}
Witness makes ~~Solemn Declaration~~, in Chinese. EXAMINATION IN CHIEF.

COURT: Do you wish to give your evidence in English or Chinese?
A. English.

Q. I understand that your name is Henry K.Y. HSU?
A. Yes.

Q. You are the Director and Manager of the New Asiatic Chemical
Works (Hong Kong) Ltd.?
A. Yes.

Q. Which is No. 16 QUEEN'S Road Central, HONG KONG?
A. Yes.

Q. 34 years of age, of Chinese nationality?
A. Yes.

Q. Born at CHANGCHOW, KWANGSI, CHINA?
A. Yes.

Q. Presently residing at 1 Glenelg, 2nd Floor, HONG KONG?
A. Yes.

Q. Will you tell the Court what your business is?
A. Drug manufacturers, wholesalers and retailers.

Q. When was your business established in HONG KONG?
A. 1938.

Q. What was your business doing in 1938?
A. Drug and medicine manufacturers and wholesalers.

Q. Do you recall the outbreak of hostilities in December 1941?
A. Yes.

Q. At that time, can you tell the Court what stock you had on
hand, generally?

A. We made medicines in HONG KONG, over at YONGLOO side, and at
that time we imported plenty of medicines from our SHANGHAI
factory. At that time we had about \$2-million worth of
medicines stored in different godowns such as HONG KONG &
HONG KONG Wharf & Godown Co., TAIPOI Godown and the
PTC

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r. HSY.

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A(Std.) CHINA Provident L & M Co. godown. Among these medicines we had ampoules, tablets, pills, liquids and also for injections ample vitamins and vaccines, serums - all the necessary medicines.

Q.(Hending witness document) We will let you produce your evidence in written form now. Will you take cognisance of the certified true extract from the files and tell the Court just what these figures represent here?

A. Among all the medicines, these are only some extracts from the file.

Q. This is a certified true extract from the files of the New Asiatic Chemical Co., Chemical Works HONG KONG, and signed by you? Is that correct?

A. Yes.

Q. What does the list of drugs mentioned under the heading sera refer to?

A. Anti-dysentery serum, anti-meningococcus serum etc.

Q. Where were they at the time?

A. These things were all stored in the different godowns - HONG KONG & KOWLOON Wharf Co. godown, CHINA Provident L & M Co. These things all arrived in HONG KONG in 1941 around November or December. We had not enough time to take delivery.

Q. Will you notice on the page headed "Sera" the 5th item from the top?

A. Diphtheria Antitoxin.

Q. It says 3,000 IU, under the HONG KONG & KOWLOON Wharf & Godown Co. - 120 tubes. What does that mean?

A. This means we had 120 tubes stored in that company's godown and each tube contained 3,000 International Units.

COURT: There is no date on this.

PROSECUTOR: Witness has just given the date in his evidence here, the things they had in November and December 41.

COURT: I might suggest that afterwards he should add that on the Exhibit itself.

Q. I take it from that answer to my question (if the President will permit it), that the next item 5,000 International Units, 185 tubes under the CHINA Provident L & M Co. means that in the godown there were 185 tubes of diphtheria anti-toxin each one containing 5,000 International Units?

A. Yes.

Q. And that similarly you had 266 tubes each containing 10,000 International Units of diphtheria anti-toxin in the HONG KONG & KOWLOON Wharf Godown Co.?

A. Yes.

Q. 79 tubes, each containing 20,000 International Units of diphtheria anti-toxin in the China Provident L & M Co.?

A. Yes.

Q. I understand from your previous answers that this was there in November and December, 1941?

A. Yes.

Q. Will you look at the first item under "Sera" - anti-dysentery serum 10 ccs. 162 bottles under the HONG KONG & KOWLOON Wharf & Godown Co. and 20 ccs 252 bottles. Will you tell the Court briefly what that represents?

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Mr. [unclear]

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- A. That means 162 bottles each containing 10 cc of anti-dysentery serum stored in the HOLLAND & HOLLAND "Marf & Godown Co.'s godown" and 252 bottles each containing 20 cc of anti-dysentery serum in HOLLAND & HOLLAND "Marf & Godown Company's godown."
- Q. Do you know what purpose this anti-dysentery serum was sold for?
- A. This serum was used to cure dysentery.
- Q. Are you able to say yourself what type of dysentery it was used for?
- A. I cannot remember which kind of dysentery but according to the signs they must be special for certain dysentery. I will have to find that out.
- Q. Will you look at the sixth item under "Sera" - normal horse serum. You have got 85 bottles of 10 ccs each at the CHINA PROVISIONS L & H Co., 35 bottles of 20 ccs at the other godown. Will you tell the Court what normal horse serum is?
- A. A kind of serum for nourishment for the blood.
- Q. Do you know, of your own knowledge, what diseases it is used for?
- A. Anemia.
- Q. Will you look at the next page headed "Vitamins". The first item you have is Frucimin tablets, Vitamin C. Will you tell the Court what this is?
- A. Frucimin is our patent name. This tablet actually is Vitamin C.
- Q. Will you look at the next item Halimin liquid, vitamin A and D. What is that?
- A. Halimin is our proprietary name, our patent name and actually contains vitamin A and D.
- Q. Vibixin tablets contain what?
- A. That also is our patent name, it contains vitamin B1 crystals.
- Q. I take it the next item is the same, or is it a different type?
- A. It is a misprint, it is the same as the other.
- Q. The first column of figures respecting this shows as I understand it, the number of International Units of the vitamins mentioned, contained in each tube, tablet or ampoule?
- A. Each tablet. 250 International units, 20 tablets per tube, altogether 2,964 tubes.
- Q. Would that mean then that there were 20 tablets in each one of the 2,964 tubes, each tablet containing 250 International units?
- A. Yes.
- Q. Will you look under that, Frucimin tablets the 5th item is ampoule 500 IU 5x1cc.
- A. Each box contains 5 ampoules, each ampoule contains 1cc and each cc contains 500 International units.
- Q. Will you look under the item Halimin, the 5th item which says liquid (strong). Will you tell the Court what that means?
- A. We have 2 different kinds of Halimin, the liquid one is common liquid and the other strong. That means it contains different units.
- Q. I take it then that Hal (strong) means much the same thing?
- A. Yes.

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Mr. HSU.

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- Q. Will you look at page 2, under vitamins the second item is Vitixi, is that a misprint too?
- A. No, Vitixi contains vitamins B and C.
- Q. And the next is Vibici.
- A. That is correct; it contains vitamin C.
- Q. I take it that the brackets underneath indicate the vitamin that the particular proprietary medicine contains?
- A. Yes.
- Q. So that under the list Vitamel A, L and so on it indicates..
- A. All these are our patent names and this actually contains glucose powder which is Vitamin A, and L is glucose powder with Vitamin L, C is glucose powder with C.
- Q. You do not indicate here International units?
- A. No.
- Q. In the third page you have got simply the nomenclature Vitamin A (Plain) pill. What does that mean?
- A. That pill contains only Vitamin A.
- Q. Is that a proprietary medicine or just an ordinary pill?
- A. Ordinary pill.
- Q. To come down to vitamin tablets, ampoule. I understand that 5x1cc means there were 650 boxes each with 5 tablets, each one containing 1cc.
- A. That is correct.
- Q. Will you look at the final page of your extract. What are pyridal tablets?
- A. That is our patent name; it actually contains sulphonyridine.
- Q. I take it from what you have in the last three items that you had 60 tubes of 20 tablets, 60 bottles of 100 tablets and 2 bottles of 1,000 tablets of pyridal tablets in the CHIA Provident L & M Co.
- A. That is correct.
- Q. The next item is ampoule 10% 5x3 ccs, 411 boxes.
- A. Each box contains 5 ampoules, each ampoule contains 3 ccs and that solution is 10 percent solution. Altogether 411 boxes stored in CHIA Provident L & M Co's godown.
- Q. Will you look at the next item, sulfazon tablets.
- A. That is our patent name, actually it contains sulphathiazole.
- Q. I take it that the balance of the figures I dictate the same thing as you have indicated for the pyridal tablets?
- A. That is correct.
- Q. You have told the Court: and these various items showing your stock in the godowns mentioned above in November and December 1941. Can you tell the Court now when the Japanese captured those godowns, to the best of your knowledge, what remained. At the instant they came in, had you depleted the stock or was that what was on hand at the time the Japanese took over?
- A. At the time all these godowns were under Japanese control so we could not take any delivery from the godown.

COURT: I do not think that was quite the question, the question was this: Are you sure that all these drugs which you have listed here were in the godowns when the Japanese arrived, or had perhaps some been distributed to retailers?

A: This delivery was only on hand, so we did not take any delivery of these from the godown.

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Mr. HSU

- Q. Will you tell the Court under normal conditions how long that stock would have supplied your trade in HONG KONG?
- A. Do you mean the whole stock or only this?
- Q. This stock, how long would it have sufficed?
- A. For HONG KONG only this I think one year or 2 years.

CROSS EXAMINATION.

- Q. You just stated that you thought the medicine in the extract there would last from one to two years. Do you mean from your knowledge before you thought that?
- A. Yes.
- Q. You said the actual value of your stocks were about \$2-million is that correct?
- A. At 1941, yes, that market price in Hong Kong dollars.
- Q. Have you ever been interrogated by Capt. GLOVER of the War Crimes Investigation Team?
- A. Yes.
- Q. At that time did you make a statement?
- A. Yes, oral statement.
- Q. (Handing document) Is this the statement you made?
- A. Yes.
- Q. In the statement it says that the value of the stock is only \$1-million. Did you make that statement?

PROSECUTOR: If this statement is to be referred to in Cross-Examination, it should be produced in the record. I think my friend should understand that if it is produced for the record, everything that is said in it goes. It is all evidence. He may not take a part of it out in Cross-Examination.

COURT: He may always cross-examine as to whether or not the witness made a certain statement but he must take his answer. If he wants to contradict him on the answer then he must put the document in.

(To Interpreter) Will you also explain to Mr. FUJITA if he produces the document nevertheless he has a right to put it in, but then the whole lot must go in.

DEFENSE: Then is it all right if I ask the witness his answer?

COURT: Certainly, you can ask the witness whether he did say that.

- Q. Did you make such a statement?
- A. Yes, maybe I confused the value \$2-million - I mistook about the present price. \$1-million is the 1941 value.
- Q. You just said that \$2-million was the value in 1941.
- A. That is my mistake, that is the present value.

Re-Examination declined.

PROSECUTOR: I have here written out for your approval the following:-
"The items mentioned hereunder and the quantities described were in the godowns mentioned when the Japanese captured HONG KONG on 25 Dec. 1941; they were placed there in November and December, 1941."

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Witness: May I find out the exact dates from my file, when they were entered in the godowns?

COURT: I do not think that makes any difference at all; the exact date they were put in is not material.

PROSECUTOR: Actually I think the last sentence should be left over "... October". That may be worrying the witness.

QUESTIONS BY THE COURT:

Q. This certificate that the prosecuting officer put to you, you certify that is correct in all respects?

A. Yes.

Q. One more question. These files from which you made these extracts. Have they been in your possession all the time since the Japanese came in?

A. Yes.

Q. Can you give the Court any information as to what happened to this stock after the Japanese took over?

A. At the time all these godowns and all the goods stored in them were controlled by the Japanese army and our civilians did not know anything about it inside.

Q. Were any of these drugs remaining in the godowns after the Japanese surrender in August 1945?

A. At that time, last year August, I was not here. I was in SHANGHAI but I heard from my staff by order there was inspection over these godowns and there was nothing left.

(No more questions)

33rd WITNESS FOR THE PROSECUTION - TONG MUT.

Having been duly sworn and
~~On a solemn declaration~~ is examined by the Prosecutor.

Q. I understand your name is TONG MUT?

A. Yes, TONG MUT.

Q. Are you 40 years of age?

A. Yes.

Q. Are you of Chinese nationality?

A. Yes.

Q. Were you born in CHUNGSHAN District, KANGTUNG Province?

A. Yes.

Q. Are you now living at 152 HOLMSTEAD Road, the Peak, HONG KONG?

A. Yes.

Q. Where are you working now?

A. Seldon, at the hospital.

Q. Where are you working now?

A. At HOLMSTEAD Road.

Q. Who did you work for?

A. For SELDON.

Q. What is his work?

A. He works at the Court.

COURT: I do not think it is at all relevant.

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Q. Will you tell the Court what languages you speak?
A. Two different languages, Japanese and Chinese.

Q. What is your native language?
A. Chinese.

Q. Where did you learn to speak Japanese?
A. I worked for the Japanese.

Q. Where did you work for the Japanese?
A. I used to work for SAM LEE ()

Q. What was the name of the man?
A. Company's name; it is in Chinese characters.

PROSECUTOR: The name I have here is SUZUKI. It has nothing to do with the evidence, except that it identifies the company she was working for.

Q. How long were you working for this Japanese company?
A. One year.

Q. Where was the company?
A. HONG KONG.

Q. Were you ever in any place else than HONG KONG where you could speak Japanese?
A. (Witness appears not to understand the question).

PROSECUTOR: If my friend will allow me a leading question, I want to know if she was in JAPAN. Simply to establish that she understands some Japanese, that is all.

DEFENCE: I have no objection.

Q. Did you live in JAPAN?
A. Yes, one year.

Q. When the Japanese captured HONG KONG where were you?
A. HONG KONG.

Q. What did you do while you were there?
A. I was a hawker.

Q. What else did you do?
A. I did some Chinese work.

Q. Who did you work for during the occupation?
A. At the Peak Hospital.

Q. Where is the Peak Hospital?
A. BOWEN ROAD.

Q. What were you doing at BOWEN Road?
A. Working at the officers' mess.

Q. Japanese or British officers?
A. Japanese.

Q. Do you know a man called SAITO?
A. I do not know.

Q. Who was the Japanese medical officer?
A. SAITO San.

Q. Where is SAITO San now?
A. I do not know.

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- Q. Will you look around this room for a minute please?
A. I cannot quite recognize.
- Q. While you were in the hospital, what did you observe about the POWs?
A. I saw they looked very cold, not enough clothes to wear. I saw the foreigners very sad.
- Q. Were they strong or weak, thin or fat?
A. Very thin and weak.
- Q. How did the Japanese treat you?
A. Ordinarily.
- Q. What do you mean by "ordinarily"?
A. I worked for them; they took me as a maid servant.
- Q. ~~What~~ ~~he~~ do you know about a POW who was an electrician?
A. I know he was a Sergeant.
- PROSECUTOR: Did she not say, "I do not know his name but he had 3 stripes?"
Chinese Interpreter: Yes, he had 3 stripes.
- Q. What did you have to do with this man with the 3 stripes?
A. I was talking with WAK KAL (?) and I was slapped by the Japanese.
- Q. Who was this Japanese that slapped you?
A. NARAYAMA San.
- Q. What was he, a soldier, civilian, prison guard?
A. Driver.
- PROSECUTOR: Did she not say, "He was in charge of transport" ?
Chinese Interpreter: No.
- PROSECUTOR: Ask her again if he was in charge of transport.
A. Held a motor car.
- Q. Was he a soldier?
A. Yes.
- Q. Do you know how many sick people there were in the hospital?
A. I was told about 400.
- Q. Were you in the hospital during the winter?
A. Yes.
- Q. What was the weather like during that winter?
A. Cold.
- Q. When did you go to work at BOTEN Road hospital?
A. I worked for 10 months.
- Q. When did you start to work?
A. I cannot remember; I worked about 8 months till he went back to KOWLOON.
- Q. When did you stop working with the Japanese at BOTEN Road hospital?
A. About the third month, March.
- Q. What year?
A. When he went to KOWLOON, the Peace year.
- Q. Which is the Peace year, this year or last?
A. Near the finish of the war. I went back to MACAU in May and the peace was in July.

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Q. So the winter you speak of then is the winter before the peace. (I am afraid that is leading but I have to put it that way.)

(The Defence had no objection.)

A. Yes.

Q. You told us there were about 400 patients in the hospital. Will you tell the Court how many of them had clothes?

A. About half.

Q. What kind of clothes were these half wearing?

A. They wore private clothes and green trousers.

Q. How good were these clothes to keep them warm in the winter?

A. Not warm, very cold.

Q. When did you leave BOWEN Road hospital?

A. I am not sure, the second or third month.

Q. Do you know what became of the patients held in BOWEN Road hospital?

A. I could not go in. The patients went out into the sunshine.

PROSECUTOR: Sir, ~~who~~ is giving an answer and we are not getting that answer back.

COURT: How do you know that?

PROSECUTOR: Because I have a monitor here to check it.

I put it to the Interpreter that the witness told him the patients were lying on the floor. Is that correct?

COURT: You did not ask that question.

PROSECUTOR: With a Chinese witness such as this we are likely to get answers that are not precise because they are not understood, but they are relevant to the case nevertheless.

COURT: Your question was a very simple one. You asked her if she knew what became of the patients?

PROSECUTOR: She said they were lying on the floor.

COURT: You cannot say that. That has not been said by the Interpreter. This monitor has not been sworn. You have not asked to have a monitor.

PROSECUTOR: I asked for it the other day.

COURT: You did not state you were bringing one this time.

Q. Here is the question. How were the patients sleeping and where?

A. Lying by sunshine. (Sic)

Q. Where were they lying inside the hospital?

A. Outside the road; it had a fence round it. The house was very tall and I could not see it.

Q. Were they lying on beds or on the floor?

A. On the ground.

Q. Please tell the Court when the patients left BOWEN Road hospital?

A. They left and went back to KOWLOON hospital.

Q. What became of their clothes when they left to go back to KOWLOON?

A. Burned.

Q. Who burned the clothes?

A. SAITO San.

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TONG MET.

- Q. Where did SAITO San burn the clothes?
A. In the stove.
- Q. How long did they go on burning the clothes?
A. About one week.
- Q. How long each day?
A. After dinner till night.
- Q. What time after dinner?
A. 12 o'clock noon.
- Q. What time did they end burning?
A. 9 or 10 o'clock at night.

CROSS EXAMINATION:

- Q. Where was this stove?
A. For making hot water for bath.
- Q. Then do you mean the stove was in the bath-room?
A. In the kitchen.
- Q. Who actually burnt the clothes?
A. SAITO San.
- Q. You mean to say for a week SAITO San burnt clothes from 12 o'clock until the evening every day?
A. Yes.
- Q. Was SAITO San the only person who burnt clothes?
A. SAITO was the other.
- Q. You said that patients slept on the ground, where was this ground situated?
A. Outside the house and let the sunshine on them.
- Q. You said that half of the patients were wearing clothes, what did the other half wear?
A. They wore their private clothes, green trousers.
- Q. You mean half wore private clothes and the others wore military clothes, is that correct?
A. Some of them military clothes and some private clothes.
- Q. You said that the foreigners were weak and thin. Did you make this statement in relation to ordinary foreigners?

COURT: Before witness answers, will you ask Mr. FUJITA what he means by "ordinary" foreigners?
DEFENDER: Foreigners in the ordinary state of health.

- Q. Did you make that statement in relation to conditions of health of ordinary foreigners?
A. That is what I exactly said. I did not tell a lie.
- Q. Were not these foreigners weak because they were patients in hospital?
A. I worked there for 8 months. I looked at them very thin.
- Q. Do you think they were thin because they were ill or what?
A. No.
- Q. Why do you think they were thin?
A. Not enough food.

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- Q. Do you know how much food the patients received?
 A. I did not see them eat.
- Q. That means you do not actually know how much they received?
 A. I was working on the upper floor and could not see that.

Cross-Examination Contd. (By Mr. HASEGAWA)

- Q. You said that you knew a man by the name of SAITO San. Have you ever met him at the hospital?
 A. He stayed half the month at the hospital and half the month at KOWLOON.
- Q. How old was this SAITO San that you say you knew?
 A. About 28 or 29 years.
- Q. What sort of clothes did he wear? Did he wear a uniform of a Japanese officer?
 A. Yes.
- Q. When he came to the hospital did he always wear a uniform of an officer?
 A. Yes.
- Q. Did he burn the clothes while he was in the uniform of an officer?
 A. He stayed at night and burned.
- Q. What time did he actually burn the clothes?
 A. 12 o'clock in the daytime, inner time.
- Q. You just said he stayed at night. What do you mean?
 A. At night time he stayed and took off the official clothes.
- Q. During the day did he always wear officers clothes?
 A. Yes.
- Q. When he burned the clothes did he still wear the officer's uniform?
 A. No, a shirt.
- Q. Did this person SAITO San wear glasses?
 A. Yes.
- Q. What sort of glasses?
 A. Like a gum.

Re-Examination:

- Q. You said SEINO burned the clothes too?
 A. Yes, SATO.

COURT: I am not sure that it is material. Cpl. SANO is not one of the Accused.

PROSECUTOR: I wanted the implication, to find out why he burned.
the clothes too

Witness: The rank of an officer.

COURT: I am very confused as to who was this other person who the witness said helped SAITO San to burn the clothes.

- Q. Who was the other person who helped SAITO San burn the clothes?
 A. SANO.
- Q. What was SANO'S rank in the army?
 A. Higher rank than a private.

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COURT: You cannot expect this witness to be familiar with Japanese ranks.

PROSECUTOR: I suggest the Interpreter has not been able to translate.

COURT: If you wish to ^{query} ^{translation} question the Court Interpreter, you must have your Monitor properly sworn. You are quite entitled to use a Monitor for your private information but if she is going to argue against the Court Interpreter she must be sworn properly.

Q. Was he a higher or lower rank than SAITO San?

A. One a doctor the other a soldier.

Q. Was he of higher or lower rank than SAITO San the doctor?

A. Lower.

Q. Will you tell the Court why SEIRO the lower rank man burned the clothes?

A. They burned together.

Q. Can you tell the Court why SEIRO was together with SAITO San?

A. He came from FUCHU. 2 men having been together after dinner they burned clothes.

No questions by the Court.

34th WITNESS FOR THE PROSECUTION - SAITO Ukio.

^{Many times duty offered}
On a Solemn Declaration is questioned by the Prosecutor.

Q. What is your name?

A. SAITO Ukio.

Q. Your age?

A. 33.

Q. Nationality?

A. Japanese.

COURT: Will you warn the witness before he goes on that he need not answer any question either by the Prosecuting Officer, Counsel for the Defence or from the Court which will implicate him in any crime.

A. I understand.

Q. Where were you from 25 Dec. 1941 until 15 August 1945?

A. From 25 Dec. 1941 until January I was in CANTON. Then I came to HONG KONG. Until March 1945 I did duty at the BOEY Road hospital. Then I went to the foreigners' internment camp at ST. LEY and did duty there till August 1945.

Q. When did you go to the foreigners' internment camp?

A. March 1945 when my duties at BOEY Road hospital were relieved.

Q. Will you tell the Court what you remember of a case concerning a man called GILL and POWs called LUNNAY and ARCHIBALD?

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SAITO UKIO.

- A. It happened when I was on duty at BOWEN Road Hospital. As I remember it, it was at the end of 1943. There was a case of robbery at the BOWEN Road Hospital. As suspects, ARONIMARD, MURRAY and 2 other medical orderlies were interrogated in connexion with the robbery. The interrogators were SAITO, Interpreter NIIMORI, Interpreter WATANABE and a Sgt. ITO. I was in the next room as a guard for the suspects. The interrogation began at about 6 p.m. and lasted until 12 p.m. During that time the suspects were taken into the interrogation room several times and were interrogated there. I was a guard for the suspects in an adjoining room and heard noises of the suspects being beaten several times. When the suspects came back to the room I saw bruises on their faces and backs. After the interrogation the suspects were confined to the cells in the guard house. Next day, as I remember it, they were transferred to the SHAN SHUI PO Camp.

CROSS-EXAMINATION *By Mr. FUSITA RCL*

- Q. From the room in which you were, could you see things going on in the interrogation room?

A. I could not.

Cross examination by Mr. HASEGAWA declined RCL

Re-Examination declined.

QUESTIONS BY THE COURT:

- Q. What was your duty or position in BOWEN Road hospital while you were there?
- A. I was a medical N CO and took care of medical affairs.
- Q. What was your rank during that time?
- A. When I took over my duties I was a Corporal and at the time of the surrender I became a Sgt.-Major.
- Q. What was the name of the Japanese medical officer who was in charge?
- A. Army Medical Capt. SAITO Shunkichi.
- Q. Can you see that man anywhere in Court now?
- A. Yes, in front of me the one on the furthest end.
- Q. Which end?
- A. Facing me the man on the right.
- Q. Is he the man who carried out this interrogation?
- A. That is right.

Question Put through the Court:
(By Mr. HASEGAWA)

- Q. You gave your exact ranks at that time. What were the exact ranks of SAITO at that time?
- A. When SAITO was posted at the POW camp he was a Lieutenant. He became a Captain two years later, but I do not remember the exact date.

Further Questions by the Court.

- Q. When ~~HERE~~ you were in BOWEN Road, where were your quarters?
- A. I lived near BOWEN Road, very close. In the nurses' dormitory of the hospital.

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SANO UNII.

- Q. Was there a mess, were there quarters and a dining room for officers at BOWEN Road hospital?
- A. There were no such special facilities.
- Q. I am not talking about the POWs. Was there any place at BOWEN Road or near BOWEN Road hospital where Japanese officers lived?
- A. There were no such special facilities near the hospital.
- Q. Where did Dr. S AITO live then?
- A. Near the HQ of the POW camps, KOWLOON.
- Q. Did he have any place in the hospital or close to the hospital where he used to come and stay sometimes?
- A. Several times he stayed in the same quarters as myself.
- Q. Did Capt. SAITO have an office in BOWEN Road where he could carry out his work?
- A. In most all cases he used the same office as I used and did his work there.
- Q. How often did Capt. SAITO come to BOWEN Road hospital?
- A. Once, twice a week on an average.
- Q. How long did he stay there?
- A. In most cases he stayed for the night and then returned.
- Q. Had you a telephone in your office?
- A. Yes.
- Q. Could you telephone to Dr. SAITO if you wanted him for anything?
- A. I could.
- Q. When you left BOWEN Road hospital, were the Allied POWs still there?
- A. They were not.
- Q. Do you remember when the POWs left BOWEN Road?
- A. Yes.
- Q. Do you remember if they left anything behind them when they went away?
- A. As I remember it, they took almost everything with them.
- Q. If they did leave anything behind, do you know what happened to it?
- A. The hospital was handed over to the naval authorities and naval guards guarded the hospital.
- Q. Did you stay then for any length of time after the POWs left?
- A. I stayed for two or three days.

No further questions by the Defense or Prosecution 202.

At 1230 hrs. the Court adjourn until 1415 hrs.

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No.5 WAR CRIMES COURT.

NINETEENTH DAY'S proceedings of the trial of Col TOKUNAGA ISAO, Capt. SAITO SHUNKICHI, Lieut. TANAKA HITOSHI, TSUTADA ITSUO (Interpreter) and Sgt HARADA JOTARO held at HONG KONG on December 19th 1946.

(Held at Jardine Matheson's East Point Godowns, HONG KONG).

1415 hours.

PROSECUTOR: Sir, the document (2(3)), which was handed over to the interpreter has now been ~~declared~~ ^{corrected} and if you wish to satisfy yourself with regard to the translation I will proceed to read it.

COURT: Who was the interpreter?

PROSECUTOR: Mr. TOSHIO.

COURT: Will you call him in.

35th Witness *for the Prosecution TOSHIO SEKI has been duly offered in.*
The interpreter is sworn in.
questioned by the Prosecution R.C.

PROSECUTOR: Will you tell the Court your name, present employment and qualifications?

INTERPRETER: My name is SEIKI TOSHIO.

I am at present Court Interpreter for No.5 War Crimes Court in HONG KONG.

With regard to my qualifications respecting English, I graduated from an American School in Shanghai and while I was attached to the Japanese Army I served as interpreter and received an Interpreter's Certificate from the Japanese Army.

PROSECUTION: Will you take communication of Exhibit 2(3), original and translation, and tell the Court if the English translation of the original document is, according to your knowledge of Japanese and English, correct?

INTERPRETER: (The interpreter receives the documents from the Prosecutor).
The document I hold in my right hand is the English translation and the document which I hold in my left hand is the Japanese original. Last night I went through both of these documents and compared the translation with the Japanese original and vice versa and I found them correct.

The documents are handed in to the Court.

COURT: Major PUDDICOMBE, do you wish to read these translations now?

PROSECUTOR: Yes, sir.

The prosecutor reads translation of the Japanese original listed as Exhibit 2(3) -- August Monthly Report. ~~sk~~ (Prosecutor observes civ. as civilian and queries interpreter -- interpreter confirms the abbreviated word to be correct).

Prosecutor points out that in the original there is a plan of NORTH POINT Camp which does not appear with the translation.

cross examination directed by Counsel for the Defense R.C.
36th WITNESS FOR PROSECUTION -- Mr. VICTAL.

EXAMINATION IN CHIEF

Witness is sworn ~~in~~ ⁱⁿ and questioned by the Prosecuting Officer:

Q. Will you tell the Court your full name?

A. AUGUSTO VICTAL.

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36TH WITNESS FOR PROSECUTION -- Mr. VICTAL.

EXAMINATION IN CHIEF (Cont.)

Q. What is your present occupation?

A. I am with the MACAO RADIO CLUB.

Q. Where do you live?

A. No.13 Calçada Domonte.

Q. Where is that?

A. MACAO.

Q. What is your nationality?

A. Portugese citizen.

Q. Will you tell the Court something of your employment before the war particularly in relation to the Japanese?

A. The Japanese were very fair to me and I cannot complain of anything.

Q. No, Mr. Victal, I mean what connection did you have with the Japanese before the war?

A. Sometimes I bought paper from them while I was with the Government printers.

(Prosecutor consults with Defence).

PROSECUTOR: Sir, I asked Defence if I might ask the following question which is a leading question. *The Defence has no objection &c*

PROSECUTOR: Were you not employed in the Hong Kong - Shanghai Bank -- by their branch Office in Japan from 1906 to 1913 -- and during that period what did you learn about the Japanese language when you were there?

WITNESS: I never learnt any Japanese in my life but I can speak a little Japanese.

Q. During the Japanese occupation of HONG KONG will you tell the Court what you were doing and where you were living?

A. I was a private salesman -- selling and buying -- I never worked with them.

Q. Where did you live?

A. No.3 Nanking Street, 3rd Floor.

Q. Where was that?

A. KOWLOON.

Q. Had you any connection whatsoever with the Japanese Gendarmerie while you were living at KOWLOON?

A. One night at 7 o'clock the Japanese came around to my place with a summons for me to appear at the KOWLOON GENDARMERIE at 10 o'clock.

Q. Do you remember when this was -- the month and year?

A. August 1942, I believe.

I appeared there at the appointed time -- I waited for about a quarter of an hour to half an hour. Then they asked me to go into a small room -- I went into that small room and sat down there and there came four prisoners into that small room. And then they asked me to interpret and I said "I cannot speak Japanese well."

Q. Who asked you?

A. The Judge.

Q. Tell us about the Judge?

A. The Judge came in and asked me to be interpreter and asked several questions -- what is your name, nationality and everything.

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36TH WITNESS FOR PROSECUTION -- Mr. VICTAL.

EXAMINATION IN CHIEF (Cont.)

Q. Who were asked -- the four prisoners?

A. Yes, the four prisoners -- one by one -- they were asked the same questions. He asked the prisoners their name, where they lived, which country they belonged to, and so on. Their father's name, mother's name, grandfather's name and grandmother's name. Whether there was a pond near their house. They said there was no pond near their house. He said near your place I know there is a pond, why don't you know.

Q. Will you tell the Court what their answer was when they were asked where they came from?

A. They said they came from Canada.

Q. Can you tell the Court what names they gave when this man asked them?

A. They said something in Japanese -- I do not speak Japanese very well so I do not know what they said. They said they were Canadian soldiers -- they were volunteers and came to HONG KONG, that is what they said.

Q. You told us that this Judge asked the prisoners what their names were, what did they answer?

A. The first one, a young man, the youngest of the lot, answered Mr. PAYNE; the second I cannot recollect; the third, BERZINSKI, and the fourth one I do not recollect his name -- this was four years ago and I do not recall his name.

Q. Why do you recall the names of these two men only?

A. Because they impressed me more -- the first young man had golden hair and was very thin. He had short trousers on and wounded here and wounded there. The ~~second~~ third one, BERZINSKI, I can recollect because he asked me to ask the Judge for some toilet paper because he had dysentery.

Q. Do you recall where this place was where you went, Mr. VICTAL? Where did you go with the Gendarmerie when they asked you to come and interpret for them? Where did you see the four prisoners?

A. In a small room?

Q. Yes, but where -- in what building?

A. In the KOWLOON GENDARMERIE.

Q. Will you look at Exhibit H(4) Mr. VICTAL and tell me if you recognise any of these pictures?

A. I recognise No. 8.

Q. What is No. 8?

A. The KOWLOON GENDARMERIE.

Q. Is that the Gendarmerie of which you have just spoken?

A. Yes, that is KOWLOON GENDARMERIE.

No further questions.

CROSS-EXAMINATION -- Mr. FUJITA.

Q. Before you were asked to be interpreter for the KEMPEI, had you any relations with the KEMPEI?

A. Absolutely nothing.

Q. Did you have any relations with ordinary Japanese soldiers other than the KEMPEI?

A. Yes, I knew some of them before.

Q. When you were called to the KEMPEI were there not any Japanese interpreters?

A. There were probably but I do not know why they called me, they said

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36TH WITNESS FOR PROSECUTION -- Mr. VICTAL.

CROSS-EXAMINATION -- Mr. FUJITA (Cont.).

they were short of interpreters so they summoned me as an interpreter.

Q. Before you used the word 'Judge' -- what sort of clothes did he wear?
A. Uniform with a sword.

No further questions.

CROSS-EXAMINATION -- Mr. HASEGAWA -- declined.

RE-EXAMINATION -- declined.

QUESTIONED BY COURT:

Q. While you were interpreter on this occasion, was anything else said by anyone other than ask these prisoners questions?
A. When they were asked they said they did not know -- there was no pond there.

Q. Did anyone else ask questions -- were these questions of trial or questions of investigation?
A. They were asked their name, the place where they were living -- nothing serious at all -- why they ran away from the camp and questions like that, nothing else.

Q. When the Japanese Officer had finished asking questions, what happened then, did he say anything to the men as to what would happen to them or where they taken away?
A. They were given a beating.

Q. No, I am not asking what he did, was anything else said to them?
A. No, nothing else was said.

Q. These men that you saw, these prisoners, were they wearing uniform? I am talking about the Canadians?
A. No sir -- they had short pants -- and torn shirts with blood on it.

Q. The man who gave his name as BERZINSKI, did you notice anything particular about his face?
A. This man had a long beard and had some cut or something on his head.

Q. This cut -- was it a fresh cut?
A. There were so many cuts -- one here and there -- I cannot tell exactly.

Q. This man whom you have referred to as a Judge, was he there by himself with the guards or was there any other Japanese Officer?
A. One gendarme near the entrance, nobody else.

Q. Then there was this Japanese Officer asking the questions, yourself and the four prisoners and one guard near the entrance of the door, nobody else?
A. No, sir, there was nobody else there.

COURT: Mr. FUJITA, are there any further questions you would like to ask?
DEFENCE: No.

COURT: Mr. HASEGAWA, are there any further questions you would like to ask?
DEFENCE: No.

COURT: Major PUDDICOMBE, are there any further questions you would like to ask?

PROSECUTOR: Sir, I would like the Court to ask Mr. VICTAL the following question. He spoke of this Japanese officer wearing a uniform, does he know what type of uniform it was?

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36TH WITNESS FOR PROSECUTION -- Mr. VICTAL.

COURT: What type of uniform was this Japanese Officer wearing?
WITNESS: Khaki Uniform.

PROSECUTOR: Sir, that just refers to the colour -- what I want to know is what type of uniform was he wearing -- Naval or a Soldier's Uniform?

COURT: Will you answer the question please?

WITNESS: It was a soldier's uniform.

PROSECUTOR: What type of uniform did the men who brought you to the place where you saw the Canadians, what type of clothes did they wear?

WITNESS: I do not know -- they were not wearing any uniform -- shirts and short pants.

PROSECUTOR: The man who came to ask you to the Gendarmerie, what type of clothes did he wear?

WITNESS: Chinese clothes.

PROSECUTOR: How many officers were there in this room when the Officer was questioning the men?

COURT: As far as I understand, the witness has already stated there was one officer, himself, the four Canadians and one guard at the entrance, and nobody else.

COURT: Witness may stand down.

~~PROSECUTOR: The witness has already stated there was one officer, himself, the four Canadians and one guard at the entrance, and nobody else.~~

.....

36th WITNESS FOR PROSECUTION - Mr. MATSUDA.

EXAMINATION IN CHIEF.

Witness is sworn ^{Rel} in and questioned by the Prosecuting officer:

Q. Will you tell the Court your full name?
A. MATSUDA KINCHIRO.

Q. I understand, Mr. MATSUDA, that you are of Japanese nationality, 46 years of age, born at NAGASAKI, Japan, is that correct?
A. Yes, sir.

Q. And that you learnt to speak English whilst residing in North Wales for some time, is that right?
A. Yes sir.

COURT: Will you warn the witness that he need not answer any questions either by Defence, or Prosecution or the Court that will implicate him in ^{at} crime.

Q. What were you doing during the time the Japanese were here in Hong Kong?
A. I was an interpreter at the POW Camp in Hong Kong.

Q. You say you were an interpreter at POW Hqs., where was that?
A. No.3 FORFAR STREET, KOWLOON.

Q. Will you look at Exhibit H(4) and tell the Court if you recognize any of the pictures there? Refer to them by number.
A. No. 6 and No.7.

Q. What is No.7?
A. Front scene of FORFAR STREET.

Q. What is No.6?

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59th WITNESS FOR PROSECUTION -- MATSUDA KINCHIRO.

EXAMINATION IN CHIEF (Cont.)

A. No.6 is the back scene of FORFAR STREET.

COURT: Witness indicates No.6 and No.7 as the back and front scenes of FORFAR STREET, what part of FORFAR STREET, what is the building which he recognizes?

PROSECUTOR: To what building do these pictures refer which you have just recognized?

WITNESS: Hong Kong Prisoner-of-War Headquarters.

Q. How long were you there?

A. From 12th May 1942 until 18th April 1945.

Q. Will you look at the Accused and tell the Court who they are if you know them?

A. Left hand side -- from my left side -- is Col TOKUNAGA; next one TSUTADA (interpreter); next one Sgt HARADA; next one Lieut TANAKA and the last one is Capt SAITO, the doctor.

Q. Will you tell the Court who Col TOKUNAGA was?

A. Col TOKUNAGA was Commandant of all POW Camps in Hong Kong combined with the Military internment camp at STANLEY.

Q. As such what was he responsible for?

A. He was responsible for the whole administration of the POW Camps; also of the Military Internment Camp.

Q. Will you tell the Court briefly what staff he had with him?

A. The Colonel Commandant was assisted by an Adjutant -- Col TOKUNAGA had under him as Adjutant, Capt KURATA then Capt YOKOI and for some time Lieut TANAKA was Adjutant there. Then there was a Paymaster Department, which is Quartermaster Department, Medical Department and General Affairs. There was also an Intelligence Section.

Q. Can you tell the Court something of the work in the Quartermaster's Department -- what work was done there?

A. The Quartermaster's Department was separated into a Cash Department, Clothing Department and Ration Department.

Q. What cash did they administer?

A. They handled all the money, paid salaries for the whole staff; also for the POWs and they paid for the rations and the buying of medicines and also handled Red Cross remittances.

Q. How long was Col TOKUNAGA Commandant of POW Camps in HONG KONG?

A. When I arrived at POW Hqs. he was there already and remained until the surrender.

Q. Who was TANAKA?

A. When I arrived there he was in charge of Intelligence Section. Then after Capt YOKOI went he took his place as Adjutant. Also he was for some time Commandant of Camp N - Officer's Camp in ARGYLE STREET. When I left in April last year he was there then.

Q. When you left in April last year he was there? Where was he?

A. He was at the POW Headquarters.

Q. Who was SAITO?

A. He was the Doctor.

Q. What was his responsibility?

A. He was responsible for the health of all POWs and also for his own staff -- he was responsible for the medical side.

Q. What areas did this comprise -- what camps did they comprise?

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38TH WITNESS FOR PROSECUTION -- MATSUDA KINCHIRO.

EXAMINATION IN CHIEF (Cont.)

A. What do you mean sir?

Q. As POW medical officer looking after the POW Camps, what camps are you talking about?

A. All the camps including BOWEN ROAD hospital, St TERESA'S hospital and CENTRAL BRITISH SCHOOL hospital.

Q. Now Col TOKUNAGA, as a Camp Commandant, you told us what he was responsible for, to whom was he responsible?

A. I suppose he was responsible to the Japanese War Ministry.

Q. What orders to your knowledge what he receive from Tokyo?

A. That I cannot tell you -- I do not know much about it -- what sort of order.

Q. Do you mean that you do not know of any orders which came from Tokyo?

A. Yes sir -- I do not know what orders he got from Tokyo. He was responsible for the POW administration in Hong Kong. It might be he was ordered to send a draft of POWs to Japan -- I think he used to get that sort of thing.

Q. Do you know anything about the question of escapes in the POW area -- can you tell the Court anything about this?

A. In 1942, on or about August, two POWs escaped from SHAM SHUI PO Camp; also, about the same time, four Canadians escaped from NORTH POINT CAMP in stormy weather -- it was a stormy night. These four Canadians escaped through their wire into the sea and got into a sampan and tried to get out by Iyee Mun Pass. The boat capsized and they were recaptured. The same day or the next day of their recapture they were brought to FORFAR STREET.

Q. How do you know they were brought to FORFAR STREET?

A. I saw them there -- I was going up the stairs to my office and these four Canadians were coming down with a sentry with fixed bayonet leading and there was another sentry at the rear. How I knew they were Canadians was because one or two had Canadian badges -- black background and Canada in white on it. Then I went to my office and a few minutes later Interpreter NIIMORI came out of the same room as those four Canadians and told us that they are going to be shot.

Q. Did he tell you anything else about these POWs?

A. Only, one of them had his brother in the Camp. NORTH POINT CAMP.

Q. What did the four men look like -- where were they and what did they look like?

A. They were coming down the stairs from Col TOKUNAGA'S office and I was going up to my office.

Q. What condition did they appear to be in?

A. They looked very haggard and tired and had received some beating up or torture or something.

Q. You said NIIMORI told you that they were shot -- to your knowledge what happened to them?

A. About a fortnight later there was a circular -- a half-monthly circular to say that four Canadians tried to escape and had been shot but we all knew -- this was no secret -- we knew they had been shot at GUN CLUB HILL at KING'S PARK.

Q. Besides these four men what other information have you about escapes?

A. The same year, 1942, towards the end, whilst digging tunnels in JUBILEE BUILDING, there was an attempted escape, and through information they got seven of them, as far as I remember. These men were handed over to the gendarmerie after that. Four of the seven were shot and there was a circular again about these men being shot.

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36TH WITNESS FOR PROSECUTION -- MATSUDA KENCHIRO.

EXAMINATION IN CHIEF (Cont.)

Q. What did the circular say about it?

A. I do not know exactly what the circular said, but they had been shot.

In September 1943 when I went to Tokyo with a draft, the Officer Commanding was Lt HARA. After handing the POWs to the Japanese Army, Lt HARA and I went to the POW Information Bureau, Tokyo. Major YAMANOUCHI told Lt HARA "When you get back to Hong Kong tell Col TOKUNAGA that when they recapture POWs, do not shoot them but put them on trial." That is what Major YAMANOUCHI told Lt. HARA.

The Court is adjourned until 1000 hours tomorrow, 20 December 1946.

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NO. 5 WAR CRIMES COURT

20TH DAY'S Proceedings of the trial of Col. TOKUNAGA Isao,
Capt. SAITO Shunkichi, Lt. TANAKA Hitoshi, Interpreter TSUTADA
and Sgt. HARADA Jotaro.

(Held at Jardine Matheson's East Point godown)

Friday, Dec. 20, 1946. 1000 hrs.

The Court re-assembles at 1000 hrs.

37TH WITNESS FOR THE PROSECUTION - Mr. MATSUDA.

EXAMINATION IN CHIEF (Contd.)

COURT: Will you remember that you are bound by the Oath
you took yesterday.

- Q. Yesterday you were telling us about seeing the 4 men who
had escaped at FORFAR Street. Now I want you to consider
ARGYLL Street officers camp. Will you tell the Court when
you were at ARGYLL Street officers' camp?
- A. I was with the British officers at Camp "N" from November 42
until August 15, 1943. During that time there were a lot
of disturbances by the guard. I remember about March 1943
9 British naval officers were beaten up by Formosan guard
and one of the officers damaged his head on, I think, the
left-hand side. The next day or the day after that Major-
General MALBY o/c of the Camp made representations to Lt.
TANAKA, the Accused over there. TANAKA was Commandant of
the Camp and this protest was ignored. Also Major KERR
who was acting as Interpreter of the camp was struck by
the guard several times. Representations were also made
but these were ignored.
- Q. You say that these various men were beaten and that repres-
entations were made to Lt. TANAKA about them. Is that
correct?
- A. Yes.
- Q. What happened when Lt. TANAKA was approached?
- A. He just ignored the protest.
- Q. After you had made these requests to TANAKA and it had
been ignored, what was the condition in regard to sleeping
changed in any way?
- A. No change whatsoever; no difference at all.
- Q. Do you recall any other slappings or beatings that occurred
after this representation had been made to the Camp Comman-
dant, Lt. TANAKA?
- A. Only few days after Major KERR was struck, an old man of
nearly 60 got struck by the guard for nothing.
- Q. About the slapping occurrences only, have you anything else
you want to tell the Court about what occurred in ARGYLL
Street camp?
- A. I remember in 1943, about the same time, it was towards the
end of February or March, Lt. AUSILL took charge ~~was taken ill. etc.~~
- Q. I am speaking about beatings. Is there anything about that?
- A. I know of few beatings but do not recollect who they were.
- Q. You have told us that representations were made to TANAKA.
Who made those complaints to him?
- A. Major-Gen. MALBY.

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Mr. AUSTIN.

- Q. How do you know that?
 A. I was there, I was an Interpreter for them.
- Q. Will you tell the Court what you know about the conditions in the hospital or sick people in ARGYLE Street Camp?
 A. I do not know many of the sick cases but I only remember ones that of Lt. AUSTIN. This was somewhere about February or March of 1943.
- Q. Who was the Camp Comdt. then?
 A. Lt. TAKAI. One night either in February or March, Major KERR was acting as Camp Interpreter. He rang me up on the 'phone from the guard house of the camp and wanted me in camp at once. This was at 8 o'clock in the evening. Major KERR met me by the gate and took me to Col. SIMSON, Medical Officer and Lt. Col. SHILLTON. They explained to me that Lt. AUSTIN had been suffering from a perforated stomach. ~~He~~ British doctors explained to me that the case was very urgent and very serious. It had to be operated within 2 hours. Then the doctors wished to remove the case to BOWEN Road or else to use the operation theatre at the Japanese military hospital which was only about 500 yards from the camps. So I approached Dr. SAITO and asked him to move the case from camp to BOWEN Road or otherwise to use the operation theatre at the Japanese military hospital.
- Q. Who was this Dr. SAITO you speak of?
 A. Medical officer of the POW camp.
- Q. Where is he now?
 A. In the dock, on the extreme right hand side from me. He would not hear the plea of the two doctors so the case had to be operated at the Indian hospital about 300 yards or 400 yards from the officers' camp. The operation was carried out by Sgt. Comdr. CLEAVE assisted by Capt. EVANS of the Indian Medical Service and it was carried out successfully.
- Q. I am not quite clear what happened. You went to SAITO and asked him to remove the patient, where?
 A. To BOWEN Road hospital or else for use of the Japanese military hospital operation theatre, that was only about 500 yards from the camp.
for a prisoner etc
- Q. You asked to be removed to BOWEN Road hospital?
 A. Yes.
- Q. What did SAITO reply?
 A. He said, "cannot be done at this time of the night".
- Q. Did SAITO tell you why it could not be done?
 A. He did not explain; he was in a temper.
- Q. From your own experience would it have been possible to shift that patient from ARGYLE Street to BOWEN Road hospital?
 A. In many cases when the doctors wished serious patients to be taken to BOWEN Road Hospital through the C/C of the POWs they made written application to Dr. SAITO, also Comdt. Lt. TAKAI. Always 2 copies were made and forwarded to Dr. SAITO and TAKAI to remove the patients but it took a long time before the case was actually taken. It sometimes took 3 or 4 weeks.
- Q. SAITO told you he would not move the man from ARGYLE Street to BOWEN Road hospital. To move that man, what had to be done?

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Mr. MATSUDA.

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- A. As far as I know, just to get the ambulance or lorry to take him down to the wharf, put him in a boat, cross the water to HONG KONG. That is all that need be done.
- Q. Do you know whether a truck could have been got at that time for Lt. AUSTIN to take him to a ferry?
- A. Lorries or cars were always in Hong Kong, only 200 yards away from the camp and there were always chauffeurs or drivers on duty. It was easily had.
- Q. What about moving the man across the harbour? What means were available for that that night, to your knowledge?
- A. Day and night there was a small motor boat at the disposal of the military through the shipping unit, some unit assigned for transportation here in Hong Kong.
- Q. When the boat got to the other side, where did the patient have to be taken, how far?
- A. That would be now QUEEN'S Pier up to BOWEN Road hospital, a distance of about 2,000 yards.
- Q. How would it be possible to transport him from QUEEN'S Pier to BOWEN Road hospital, to your knowledge?
- A. There was in BOWEN Road hospital one truck and a motor car to use for such purposes.
- Q. What physical reason was there for SAITO's refusal to remove that man from ARMYLL Street to BOWEN Road hospital?
- A. I do not know the physical reason for his refusal. Then, this operation was carried out successfully by those 2 doctors I mentioned.
- Q. How did Lt. AUSTIN happen to be taken to the Indian Medical hospital? Did SAITO tell you to take him there or not?
- A. I suggested to Dr. SAITO the only way to operate on this case would be the use of the Indian hospital. He then said either "yes" or "no"; I did not know how it sounded so I took advantage and went back to the camp. The patient was already on a stretcher and two doctors and their assistants Mr. FOGWELL was one of them, took the patient to the Indian hospital.
- Q. What do you know about BOWEN Road hospital itself? Have you been there?
- A. I have been there once or twice but as far as I know BOWEN Road was a well equipped hospital.
- Q. How well equipped was the hospital across the road from ARMYLL Street that you took Lt. AUSTIN to?
- A. I have seen many operation theatres but this was just a makeshift kind of operation theatre. After the operation, Sgt. Comdr. CLEAVE wished to leave the patient in the hospital for that night. So I sent the medical orderly with me to go to Dr. SAITO to ask him if he could be kept in the hospital that night. It was too risky to take the patient back to camp. It was after midnight, it was dark. The orderly came back and said that Dr. SAITO would not hear of it; the patient must be taken back to the camp. So they took the patient on the stretcher back to the camp again.
- Q. He refused to allow him to stay there all night?
- A. Yes.
- Q. Have you anything else to say in regard to treatment of patients at ARMYLL Street?
- A. While I was there the British doctors requested provision of a list of medicines to Dr. SAITO and also TAIANA, but the medicines they wanted were never forthcoming.

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Mr. MATSUDA.

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- Q. How do you know that these lists were submitted to TANAKA and SAITO?
- A. Because I was their interpreter there and very often took the letters to the bosses' offices. So they had to buy medicine from the town. In this Court some witness said...

DEBONO: Were you in Court at that time?

A. I read it in the newspaper.

- Q. Just tell us what you know about it. You were going to say something about getting medicine from outside the camp?
- A. These medicines used to be got from KOVLOO Dispensary at KATHAL Road. The proprietor of the dispensary used to supply at a reduced price because he knew ^{who} the medicine was for.

Q. Who used to get the medicine from this dispensary?

A. I carried that medicine myself.

Q. Is there anything further?

A. About rations. During 1943 they used to send fish often, about 2 or 3 times a week but very often the fish was rotten and could not be eaten. When the fish was inedible the officers used to show me and TANAKA himself very often saw it. They used to make representations to TANAKA by the ration officer, Major ~~EBERT~~ ^{EBERT} of MIDDLESEX ~~Reg~~ ^{Reg}. But nothing was done, no change whatsoever.

Q. At this time where were you messing yourself?

A. The mess at HQ POW.

Q. What was the fish like that you had there, if you had fish?

A. It was quite all right. The POWs often got under weight - what was meant for 527 POWs rations was actually enough for only 160, some 100 men, always under weight.

Q. Will you tell the Court how you know that that meat was under weight?

A. Because the POW ration officers used to weigh the fish when it came and representations were made to TANAKA, Commandant there. That is what I know.

COURT: Witness said "fish" there. Let us go back - what was short of weight you say?

A. The POWs were supposed to get so many ounces per day.

COURT: What particular article are you referring to?

A. I did not know the scale of weight but the ration officers used to tell us it was short weight. They had the list of provision scales.

COURT: You are talking about short weight of rations generally and not of any one particular item?

A. I am talking of fish now.

Q. You say when the fish was short weight you would go to TANAKA; is that correct?

A. Yes.

Q. What was the result of this representation to TANAKA?

A. TANAKA used to tell me he was going to see the Quarter Master; that was all I could get.

Q. Was not the short weight made up?

A. No, never.

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Mr. HANADA.

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Q. Where was this house?
A. KALDOORIE Avenue, KOWLOON.

Q. You say you went there to repair what?
A. The refrigerator. When we went there Col. TOKUNAGA was not there, his mistress was there. Then we started to repair the refrigerator and the mistress (I was on friendly terms with her) showed me round the house. That was the first time I went there. The back kitchen had a big locker, lumber store. There were stacks of Red Cross parcels there, some full some empty, lying about.

Q. You say there were stacks of Red Cross parcels?
A. Yes.

Q. What would have been the purpose of having stacks of Red Cross parcels in that house at KALDOORIE Avenue?
A. I suppose for TOKUNAGA'S private use.

Q. Do you imply that TOKUNAGA was going to use it himself?
A. I think so.

The Court goes into temporary recess *at 11:30 by RA*
The Court reassembles *at 11:35 by RA*

Q. Are you able to tell the Court how long supplies had been taken to Col. TOKUNAGA'S house?
A. I do not know how long the Red Cross parcels had been there.

Q. How many people ate these Red Cross parcels?
A. Col. TOKUNAGA kept his mistress and large family for 3 years and 6 months. I am sure the Japanese army or Japanese government would not supply rations for the colonel's mistress and her family. I am sure the POW rations and also Red Cross parcels and so on were used.

Q. Why are you sure of that?
A. Positive because Col. TOKUNAGA'S salary was only 500 *yen per month* *RA*

COURT: What are these notes you have?
A. The pay roll of the POW camp staff.

COURT: It has not been produced.

Q. Are you prepared to produce that now?
A. Yes I am. His salary was only 517 Yen per month that he drew here in HONG KONG. That amount would not keep a mistress and a large family. Besides, I heard that from ration Sgts. TAKAMI and SAHO. Very often when there were short weights of fish and so on I approached them and asked them the reason. They told me that to buy 5 lbs. of good quality fish for the Colonel it cost 5 or 6 times the price for the POW's fish. Therefore that accounted for the shortage of the POW ration. That is what the ration Sergeants used to explain to me. I and George WHITE when we went to the house to repair the refrigerator, I opened the "fridge" and there was a good stock of fish, pork and some other stuffs there, well stocked. Things we never saw in our mess or anywhere else.

Q. To return for a minute to the ration truck Sergeant. How did he know that that short weight would be used for the advantage of Col. TOKUNAGA?
A. Sgt. SAHO or TAKAMI or HANADA used to go to market and buy the fish or pork from the market. They used to take the ration to TOKUNAGA. That would be all about Red Cross rations.

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Mr. MATSUDA.

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- Q. Will you tell the Court what you know about the treatment of Chinese drivers and a man called HADDOCK and other POWs?
- A. At about the end of July or the beginning of August 1943 an inquiry between SHAN SHUI PO camp and ARGYLE Street camp and communication between those two camps through truck drivers took place. One day towards the end of July or the beginning of August, I do not recollect the time but Lt. TANAKA was Camp Commandant of the camp "N", officers' camp and I was Interpreter. TANAKA rung me up, to my office, by telephone to bring HADDOCK to 167 ARGYLE Street.

COURT: Who was this man HADDOCK?

- A. Lt. HADDOCK was a POW from the HONG KONG Navy Volunteer Reserve

- Q. What was the place to which you were told to bring HADDOCK?
- A. 167 was TANAKA's billet. Interpreter HASEGAWA, Lt. HARA and TANAKA lived there. So I went to camp and brought Lt. HADDOCK out and went to 167 ARGYLE Street. When I got there, there were 4 strangers and Capt. YOKOI, then Adjutant to Col. TOKUNAGA. TANAKA himself was there already. I reported Lt. HADDOCK to TANAKA who took him upstairs. He then told me to go back to HQ which was only about 200 yards from 167 ARGYLE Street. I got back and about an hour later the telephone orderly came to me from Lt. TANAKA asking to bring Pte. PRATA, HKVDC to the same camp again. I took PRATA to the front door of 167. There was Lt. HADDOCK sitting on the settee, hair all disarranged and covering his face with both hands and bent. YOKOI was there, stripped to the waist and with a leather sword strap was beating hell out of Lt. HADDOCK who was screaming out. He hit him on the head, face, back and all over and HADDOCK was screaming out "Please don't hit my back". I know myself that Lt. TANAKA was standing beside Capt. YOKOI and I know also that TANAKA knew that HADDOCK was in hospital only about a week previous to that and still under care of the doctor. So I said to the two Japanese officers, "That man looks bad" but the beating still went on. TANAKA looked on and bawled at me, "Take that man (PRATA) to the back yard or back room". So I took PRATA through the passageway. The next room was a dining room. There was another scene, a Royal Air Force officer was lying on the floor, his hands tied behind his back and a pool of water there. A white bucket stood by him.

COURT: How do you know this man was an officer of the RAF?

- A. He had RAF officers' epulettes.

COURT: Did you know who he was?

- A. I do not know even today who he was. There were two gendarmes (the strangers were gendarmes) and TSUTADA was there. I took PRATA to the back room upstairs. The two strangers I discovered were gendarmes, the Interpreter and also two or three British POWs there eating bread and corned beef.

COURT: The Accused TSUTADA is not charged in connexion with this.

PROSECUTOR: I submit the evidence is admissible because it tends to show it was TANAKA'S responsibility that this was going on. TSUTADA being a camp Interpreter, he was there.

COURT: So far as that goes, I agree that is admissible but we must not have evidence of any acts done by TSUTADA against these people. As to his presence there, it is quite in order.

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Mr. MATSUDA.

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COURT: Let us get this quite clear. Who was the camp Interpreter at ARGYLE Street?

A. I was.

COURT: Were you the only Interpreter?

A. I was the only Interpreter there.

COURT: At what camp was TSUTADA interpreter at that time?

A. Then, he was in SHAN SHUI PO.

A(Contd.) So I told PRATA to join the party and have something to eat. Then I quickly came downstairs and went to ARGYLE Street to the gate, about 15 yards on the drive. I heard screaming coming from the front room. I recognized the screaming was that of Lt. HADDOCK. Then I went back to HQ.

Q. Is that all you have to say in regard to that particular episode?

A. Either that day or the next day Lt. TANAKA told me to bring Col. NEWHAM up. So I went to camp and brought him and gave him to TANAKA. There were 2 Gendarmes with a truck waiting to be met on the truck with TANAKA and took him away. I have not seen him since. *any one*

Q. Have you anything to add about what you saw or heard yourself, from your own experience.

A. That is all regarding this.

Q. Returning for a moment to SAITO, will you tell the Court what his responsibility was as the Medical Officer of the POW camps?

A. Dr. SAITO was supplying medicines and medical goods and transferred patients from camp to hospital and so on.

Q. It was his responsibility to do all that?

A. Yes.

Q. Before I conclude the Examination in Chief, is there anything you want to add which is pertaining to the charges respecting the 5 Accused in the box?

A. I do not think so.

COURT: Before Mr. FUJITA cross-examines, if you wish to put that document in, will you arrange for it to be translated. Perhaps the witness could translate after Mr. FUJITA has cross-examined and he would then be recalled and could produce the translation.

PROSECUTOR: Will you translate the paysheet.

CROSS EXAMINATION:

DEFENCE: For the convenience of the Defence I wish to have the witness answer my questions during cross-examination in Japanese.

COURT: Have you any objection to replying in Japanese?

A. None at all.

Q. From when was Col. TOKURAGA in charge of the civilian internment camp at STALEY?

PROSECUTOR: I have no particular objection to him answering to that but surely that is irrelevant?

COURT: In recollection to the first question he was asked about Col. TOKURAGA he replied Col. TOKURAGA was Col. Commandant in charge of all POW camps and also of the civil internment camp.

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Mr. MATSUDA.

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- A. From 1st August, 1944. No, few months before that. Some time at the beginning of 1944.
- Q. You said that Col. TOKUNAGA was responsible to the War Ministry or the War Minister, is not that a fact in the Japanese Army?
- A. I think so; I think he should be responsible to the War Office, War Minister or the Japanese government or HIRANAKA.
- Q. Who was Col. TOKUNAGA's immediate superior?
- A. I do not know.
- Q. From whom did Col. TOKUNAGA receive his orders?
- A. I do not know.
- Q. What is the position of Major YAMAMOTO^{acc} at the POW Information Bureau TOKYO?
- A. I think he was in charge of the POW section of the POW Information Bureau.
- Q. He was not in charge of the bureau?
- A. No.
- Q. In the Japanese Army is it possible for an inferior officer to give orders to a superior officer?
- A. Not only in the Japanese army but in armies of other countries I do not think that is possible.
- Q. You testified that some British naval officers were beaten by Formosan guards, were you present at that time?
- A. I was not at the beating but I got the 9 officers to the place of beating.
- Q. You said that applications were made to Col. TOKUNAGA and to SAITO for medicine but no medicine was received. Does this only concern the ARGYLE Street officers' camp?
- A. I did not know the other camps, but this was a fact at ARGYLE Street camp.
- Q. You said that you yourself bought medicines at the KOWLOON Dispensary; what sort of medicines did you buy?
- A. ^{acc} ~~Pain~~ ^{acc} ~~in~~, also emetine^{acc} and Epsom's salt and nicotinic acid.
- Q. What was the market price at that time?
- A. I do not know.
- Q. You said that you bought the things at reduced price; how were you able to buy things at reduced price if you did not know the market price?
- A. The master of the shop told me he sold the things at a reduced price. Later when I went to other shops to buy drugs I found that the drugs I bought at the KOWLOON Dispensary were very cheap.
- Q. Did you buy emetine at other shops?
- A. No.
- Q. What about ~~pain~~ ^{acc} ~~in~~?
- A. What I bought from other shops was Epsom salt. This was for my personal use.
- Q. The things you bought at the KOWLOON shop what was the quantity and total amount?
- A. The total amount was about 2,000 Yen.

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Mr. MATSUDA.

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- Q. You said that some of the fish were rotten, did you see the fish yourself or did you hear about it when the POWs made representations?
- A. Not only myself but the Accused TANAKA saw these fish and several times as I remember it, because these fish could not be eaten they were put into a box and taken outside and were buried.
- Q. Before Lt. TANAKA actually saw the rotten fish he did not know that the fish were so bad?
- A. I do not think he knew about it.
- Q. Who was in charge of the rations?
- A. At that time I think it was Intendant Officer Lt. KATO but at the time the Camp Commandant was Lt. TANAKA.
- Q. You said that at your own mess the fish was good, but at the same time were the POWs supplied fish?
- A. During the times that I ate at HQ mess there never was a case when fish was supplied so bad that they could not be eaten.
- Q. You said that the POWs did not make complaints about rice because they did not eat rice; what then did the POWs eat as staple food?
- A. At that time bread was baked.
- Q. What was the period when bread was baked?
- A. Until the spring of 1943.
- Q. Do you know the expenditure of Col. TOKUNAGA'S HQ?
- A. I do not know the living expenditure of Col. TOKUNAGA.
- Q. Do you know the fact that Col. TOKUNAGA received a bonus?
- A. I do.
- Q. How many times a year did he receive a bonus?
- A. About twice a year.
- Q. How many times did you yourself receive a bonus?
- A. About twice.
- Q. When did you receive the bonus?
- A. End of the year and during June.
- Q. How about the end of March?
- A. Sometimes bonuses were received during March as I remember it.
- Q. How about September?
- A. I do not remember receiving a bonus in September.
- Q. Do you know the property, how much personal property Col. TOKUNAGA had?
- A. I do not know.
- Q. Do you know whether the people that lived with Col. TOKUNAGA had any personal property?
- A. I do not know.
- Q. I will now ask you about No. 1c7. You said that later you found out some ~~xxxxx~~ of the 4 strangers were Kempei. How did you find that out?
- A. After the episode I found out that one was a Kempei named MORIYAMA and the other also was a Kempei.
- Q. You said Lt. HADDOCK was sick; do you know what ailed him?
- A. I do not know the name of the disease but I do know that he was sick in the hospital for a long time.

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Mr. MATSUDA:

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Q. When you brought him he was out of the hospital, is that correct?

A. Yes.

Q. (Indicating pay-roll witness produced earlier) What is this piece of paper?

A. I took this out of the waste paper basket at the Supreme Court.

Q. Before Japan surrendered did you not get drunk and have a fight with Lt. TANAKA?

A. This was not before the surrender, this happened on 12 May, 1943 and it was not a fight. I was hit by Lt. TANAKA.

Q. At the gaol when Lt. TANAKA was interrogated and you were sitting close by you tried to hit him and the Interrogator at that time stopped you, is that correct?

A. I think something like that happened.

Q. There is a rumour that you applied for naturalization to become a naturalized British subject, is that correct?

PROSECUTOR: I object to this: it is irrelevant.

COURT: I do not think so: the Counsel is endeavouring to ask questions tending to show that the witness may have some undercurrent motive in giving his evidence.

PROSECUTOR: I submit that application or lack of application for British nationality has nothing to do with motive or character.

COURT: It might very well be a motive. The question is quite in order. The objection is over-ruled.

A. I was granted naturalization papers on 5 March, 1936.

Q. That means you are a British subject at present?

A. I do not know my present status.

CROSS-EXAMINATION (Contd. by Mr. HASEGAWA)

Q. About ARGYLL Street you said that applications were made to Lt. TANAKA and ~~that~~ Dr. SAITO for medicine but no medicine was granted. Does that mean no medicine was granted by the Japanese?

A. That is right.

Q. Does that mean after the medicine was applied for no medicine at all was received?

A. I do not mean that no medicine at all was received. Some was.

Q. Do you mean that the amount applied for was not received or that the amount supplied was not sufficient?

A. I mean that the necessary drugs that the POWs applied for was not sufficient and that Lt. TANAKA also should know about this.

Q. Have you ever been operated on?

A. No.

Q. Among your friends is there a surgeon?

A. There are many, my younger brother is a surgeon, my uncle also is a doctor.

Q. How many times have you seen a ~~operation~~ operation?

A. I have been round the world many times and have seen many operation rooms.

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Mr. MATSUDA.

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- Q. You said you never had an operation, when you went around the world did you take it as a purpose of visiting operation rooms?
- A. I am a seaman by profession and on the ships which I have served sometimes as chief steward, and when operations took place on board I was always present. During my trips around the world sometimes my fellow seamen could get sick and I would take them to the hospital. This happened at WELINGTON also at OAKLAND while I myself got sick at OAKLAND and went to hospital.
- Q. You said that operation room at the Indian hospital was a temporary one. Compared to operation rooms in HONG KONG was it not well equipped?
- A. I do not know about operation rooms in HONG KONG, but compared to the operation room at BOWEL Road hospital it was very poor one.
- Q. You said that a Lt. AUSTIN was sick with a perforated stomach and that you applied to Dr. SAKO to have him sent to the BOWEL Road hospital, but you were refused, therefore you took him to the Indian hospital. Is that correct?
- A. Yes.
- Q. You took him to the Indian hospital on your own decision or responsibility, is that correct?
- A. At that time there was a medical orderly and with this medical orderly I took the patient to the Indian hospital.
- Q. I do not mean you went with the patient, I mean whether you decided the patient should be sent to the hospital.
- A. In the end, yes, I decided.
- Q. Before this case did the POWs ever apply for permission to have operations done in the BOWEL Road hospital or in the Japanese military hospital?
- A. Yes.
- Q. About this case, application was made to have the case sent to BOWEL Road, why was it he was sent to the Indian hospital?
- A. It was impossible to use the Japanese military hospital and permission was refused to have the patient sent to the BOWEL Road hospital.
- Q. Why could not the Japanese military hospital be used?
- A. I do not know.
- Q. On that night was it impossible to take the patient to the BOWEL Road hospital?
- A. It was not really impossible, there were some cars, trucks also. Boat. At BOWEL Road also there were some trucks.
- Q. What was the reason the patient was brought to the Indian hospital?
- A. Inside the camp there was no hospital and operation could not be done on a table, therefore the only place to take the patient was the Indian hospital.
- Q. As you just said there were trucks and a boat, why did you not take the patient to the BOWEL Road hospital?
- A. That is something I could not do myself. Such things could only be done by officers or the Camp Commandant. Permission must be received from people who were responsible for the POWs, such as the Camp Comm. or the doctor or the Adjutant, especially I think the permission of Dr. SAKO should be received.
- Q. If permission is granted to have the patient transferred to BOWEL Road hospital, under ordinary circumstances how long would it take to transfer the patient to the hospital?
- A. To the KOWLOON wharf about 20 minutes, across the bay 20 minutes, from the wharf to the hospital from 10 to 15 minutes.

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313Mr. KATSUDA.

- Q. To communicate with this naval detachment how long would it take?
- A. As there were telephone communications it could be done immediately. I will give you one example. When Col. TOKUNAGA wished to cross the bay from KOWLOON he would telephone to this naval detachment and a boat would be waiting.

At 1240 hrs. the Court adjourn until 1400 hrs.

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RCL

Re The Court in - assembled at 1415 hours.
57th WITNESS FOR PROSECUTION - MATSUDA KINCHIRO.

20 December 1946.

Handwritten RCL
CROSS EXAMINATION -- Mr. FUJITA (Cont.)

DEFENCE: I will continue asking about Lt AUSTIN.

Q. Was ~~xx~~ there a telephone at Capt SAITO'S house?

A. I am not sure but I think there was.

Q. If there was a telephone at his house, in such an emergency could you not use the telephone?

A. At that time may be I could have used the telephone but I did not use the telephone myself.

A. Did you yourself go to SAITO'S house or did a POW doctor go with you?

A. I went by myself.

Q. Then you explained the details yourself?

A. I did.

Q. You testified that a Medical Orderly went with you when you took the patients to the Indian hospital, was that medical orderly a Japanese orderly?

A. He was a Japanese medical orderly -- he lived in a room just under my room.

No further questions.

RE-EXAMINATION.

Q. When you went to see Dr. SAITO rather than telephone what was your reason for going yourself?

A. That is from Camp to Dr. SAITO'S house, if I were to telephone I had to go to Headquarters and I came across from camp to his house by a short cut, that is LEVONE STREET, which is along the camp.

Q. This business about yourself and the accused TANAKA in 1943 --

A Yes, May 1943,

Q Will you just tell the Court what happened?

A. On the night of the 12th May 1943 which was the anniversary of our arrival in Hong Kong, HASEGAWA and another interpreter, INOUE and Inouye's wife and myself had been to drink, and TANAKA came in and he joined us. Then we started to talk about different subjects and I told TANAKA that it ~~was~~ ^{was} a damned shame that young boys were beating old men up, especially Major KERR and other Naval Officers over trifles, and that some action should be taken on these things. He then turned around and he said I insulted him and he beat me up. This incident occurred on the 12th May 1943.

Q. Is there anything you want to tell the Court of the time that you were tempted to hit TANAKA at STANLEY jail and were restrained by the ~~xxxx~~ investigator?

A. That was during Capt ^{COLLINS'S} ~~CARSON'S~~ interrogation -- I was there first -- then TANAKA came in and he sat down. I could not recollect something in my memory and I got heated up and in a temper.

COURT:

Q. Do you know who fixed the ration scale for the POWs?

A. I do not know.

Q. You referred to a conversation between Lt HARA, when you were in Japan, and an officer of the POW Information Bureau, Major YAMANOUCHI, were you present at that conversation?

A. Yes, I was sitting next to Lt HARA.

Q. You told the Court that so far as you know, in the Japanese Army or in any Army, a junior officer cannot give an order to a senior officer, but when this officer whom you referred to spoke to Lt HARA giving him this message for Col TOKUNAGA, did it occur to you that it was an order or that he was

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36TH WITNESS FOR PROSECUTION - MATSUDA KINCHIRO.

QUESTIONS BY COURT (Cont.)

merely making a suggestion or that he was repeating an order from someone else?

A. It appeared to me it was only a message not an order.

Q. Did you get the impression then that it was a message to Col TOKUNAGA from someone higher in rank than Col TOKUNAGA or was it a verbal repetition of something that had been written; did you get any impression one way or the other?

A. It appeared to me that the message came from some higher authority in the Information Bureau.

Q. You thought it was from some higher authority to Col TOKUNAGA?

A. Yes.

Q. Would you not expect such an order to be sent to Col TOKUNAGA direct by letter rather than conveyed to him through two Junior Officers?

A. I do not know about this but that is what I heard.

Q. You described a man ~~walking~~ beating Lt HADDOCK called Lt YOKOI and you say Lt TANAKA was there at the time, what was he doing?

A. Just looking on?

Q. Did you see him do anything to Lt HADDOCK?

A. Not when I was there.

Q. Do you know which of the two was senior in rank -- YOKOI or TANAKA?

A. Lieut YOKOI.

Q. When the Red Cross parcels arrived do you know whether there were medical supplies among them as well as food?

A. In the last consignment by the AWA MARU a lot of medical supplies were included.

Q. You did not see anything in the consignment which you described arrived at the end of 1942 and in another one which arrived at the beginning of 1943?

A. Not as far as I know.

Q. Do you know who was the Chief of Staff in Hong Kong at the time?

A. Major General SUGANAMI.

Q. He was the most senior officer?

A. Yes, Chief of Staff.

Q. Was a Military Officer attached to the Civil Administration of Hong Kong at the time?

A. Perhaps, I do not know.

Q. Have you ever heard the name of ARISUE?

A. No, I do not remember hearing of his name.

Q. When you were working in the POW HQ Office at Forfar street was it among your duties to translated letters that were sent from the POW camps to Col TOKUNAGA?

A. Yes, sometimes.

Q. In that capacity did you ever see letters addressed to Col TOKUNAGA from Major General MALBY and others?

A. I saw many.

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36TH WITNESS FOR PROSECUTION -- MATSUDA KINCHIRO.

QUESTIONS BY COURT (Cont.)

Q2. And when you had translated them what did you do with these letters -- after you had translated them into Japanese?

A. Sometimes they were handed direct to Lieut TANAKA or sometimes NIIMORI used to collect them and take them to Col TOKUNAGA.

Q. Did you ever take them to Col TOKUNAGA yourself?

A. No, sir. Only on one occasion which I remember. This was a letter from Mr. ZINDEL of the International Red Cross Committee. Before transmitting it to the Geneva International Red Cross, he sent it to Col TOKUNAGA and I was told to translate it and take it to Col TOKUNAGA. That was the only occasion.

Q. You told the Court that Dr. SAITO was sometimes able to get some medicines for the POWs but not enough, do you know from where Dr. SAITO got these medicines?

A. As far as I know during the early part of the occupation he used to get them from the Medical Department of the Hong Kong Government. Later in 1944 and 1945 he used to get them from the KOWLOON Japanese Military Hospital. Later he used to buy some from the local dispensaries.

Q. From where did the money come with which to buy those drugs?

A. That I cannot tell you -- I do not know where the money came from. I guess from the Paymaster's Department.

COURT: It came from an official Japanese source, though?

A. Yes.

Q. Did you ever buy diphtheria serum?

A. Myself?

Q. Yes, for the POWs?

A. I, by myself? No sir.

Q. Can you give the Court any idea, during the first year in HONG KONG, when you went about, in what sort of state were stocks in the shops, from your observations -- I mean stocks of drugs?

A. Stocks were plentiful, so far as I could see.

Q. In the Cross-examination you mentioned that Col TOKUNAGA received a bonus and you also received a bonus, do you know how big this bonus was?

A. About three months pay -- original monthly pay -- so much would be sent home to dependants and so much drawn here so what we drew here was very little.

Q. Do you remember what proportion of that bonus would be sent home and what percentage would be kept by the person who received it?

A. About half was sent to the dependants and half kept here.

Q. You referred to Col TOKUNAGA supporting numerous members of the family belonging to his mistress, do you know how many persons there were in that family?

A. As far as I know there were five -- an amah and so on.

Q. From what you noticed what did the Japanese troops do for food on the island. Were they well fed or not well fed?

A. As far as I know, I paid visits to some of the barracks and rations were very poor.

Q. Do you know what is meant by a sickness called 'beri-beri'?

A. Yes, I think I do.

Q. Can you tell the Court whether there was much or any beri-beri among the Japanese troops?

A. I cannot tell you, I do not know much about this.

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36TH WITNESS FOR PROSECUTION -- MATSUDA KINCHIRO.

QUESTIONS BY COURT (Cont.)

Q. Apart from the time that you described that you saw Red Cross parcels in Col TOKUNAGA'S house and saw Red Cross parcels for sale in a shop, did you ever see red cross parcels or red cross food in the ~~possession~~ possession of other persons, other than the POWs and other than the two places which you have described?

A. No, I have not seen ~~anywhere~~ elsewhere else.

Q. You told the Court that with regard to the four Canadians a circular came around saying that they were shot but that it was, in fact, an open secret that they had been executed -- was it known who were the personnel who carried out the execution?

A. The guards -- Japanese soldiers attached to the POW Camps -- not Formosans.

Q. Do you happen to know exactly on what date the execution was carried out -- what day of the month?

A. No, I do not remember exactly on what date.

Q. You told the Court you saw these four men at Col TOKUNAGA'S ~~house~~ headquarters, can you remember how many days after you saw them that they were shot -- or how many days after did you know that they had been executed?

A. Two or three days after I had seen them.

Q. When you met the interpreter NIMORI on the day that you saw these four Canadians and NIMORI told you that these men were going to be shot, did you get the impression that NIMORI was ~~giving~~ giving you something which he knew already, or did it seem as though it was an order that was given, or did he say he merely thought they were going to be shot? If you are not sure about this you need not say so.

A. It seemed that this was decided on already.

Q. That was the impression you got at that time.

A. Yes, sir.

COURT: Mr. FUJITA, arising out of the questions asked by the Court do you wish to ask the Witness any further questions.

DEFENCE: Yes.

Q. During the summer of 1942 was there not a Chief of Staff named ARISUE.

A. I do not know.

COURT: Mr. HASEGAWA, do you wish to ask any further questions?

DEFENCE: No.

COURT: Major PUDDICOMBE, do you wish to ask any further questions?

PROSECUTOR: No.

COURT: Has the witness done that translation?

WITNESS: No, not yet, sir.

PROSECUTOR: Will you get the document.

COURT: Ask Mr. MATSUDA to translate the document and he can be called ~~in~~ ⁱⁿ to prove it.

COURT: Witness may stand down.

37th WITNESS FOR PROSECUTION -- Mr. LEUNG LUI.

EXAMINATION IN CHIEF.

Mr. George Tong (Chinese Interpreter) is sworn ~~in~~ ⁱⁿ.

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37th WITNESS FOR PROSECUTION -- Mr. LEUNG LUI.

EXAMINATION IN CHIEF.

having been duly sworn to
 Witness ~~makes a solemn declaration~~ and is questioned by the Prosecuting Officer:

PROSECUTOR: Sir I would point out that this witness is out of place -- his answers will deal with Red Cross supplies.

COURT: Is this the witness who is to replace two other witnesses?
 Yes sir.

PROSECUTOR: MRS ROBERTS and MR. BARNES.

Q. Will you tell the Court your full name?

A. LEUNG LUI.

Q. I understand you are 50 years of age, of Chinese nationality and born at Canton, is that correct?

A. Yes.

Q. And that you are presently employed by Messrs. GILLMAN & CO., 4 Des Vaux Road, Hong Kong, is that right?

A. Yes.

Q. Will you tell the Court what you did in February 1944?

A. I was working for the Japanese.

Q. What sort of work were you doing?

COURT: Will you warn the witness that he need not answer any question either from PROSECUTION, DEFENCE or the COURT which will implicate him in crime.

Does the witness wish to answer that question?

INTERPRETER: He does not mind.

A. I was a motor car driver.

Q. Who did you drive for?

A. I was the driver for Col TOKUNAGA.

Q. Where is Col TOKUNAGA now?

A. He is there.

Q. Will you indicate to the Court which one of the five men in the dock opposite you is Col TOKUNAGA?

A. From the left, the first one in the front is Col TOKUNAGA.

Q. When you took your job with Col TOKUNAGA where was he living?

A. No. 35 Kadoorie Avenue.

Q. That was in 1944, I understand, -- did he live anywhere else besides 35 Kadoorie Avenue?

A. Yes, 108 Waterloo Road.

Q. Had you the opportunity of seeing anything inside his house at Kadoorie Avenue?

A. I have seen empty boxes of Red Cross parcels.

Q. Where did you see these empty boxes of red cross parcels.

A. In the empty spaces near the kitchen.

Q. Kitchen of what house?

A. 35 Kadoorie Avenue.

Q. You say these boxes were Red Cross boxes, how did you know that?

A. There were red crosses on the boxes.

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37th WITNESS FOR PROSECUTION -- Mr. LEUNG LUI.

EXAMINATION IN CHIEF (Cont.)

Q. And what did these Red Cross boxes contain?

A. Those that I had seen were empty ones.

Q. Do you know what had been inside the empty boxes before?

A. I think it would have contained tinned goods.

Q. Why do you think it should have contained tinned goods?

A. Because I have seen British tinned goods coming out from these Red Cross boxes.

Q. When you say you saw them coming out from Red Cross boxes, will you please explain whether they were brought out by somebody or did they fall out from them or what?

A. I have seen people taking out tinned stuffs from these boxes, sometimes Japanese soldiers, sometimes he himself.

Q. He himself -- what does 'he' mean?

A. By he I mean Col TOKUNAGA.

Q. When those British tins of food from the Red Cross boxes were taken out by the Japanese soldiers or Col TOKUNAGA himself, what did they do with them?

A. At that time he was inviting some guests.

Q. What I want to know is -- the tins themselves, what happened to the tins?

A. They were opened and eaten.

Q. Will you tell the Court who opened these tins?

A. Anahs who were working in the kitchen and I myself had been opening some of them.

Q. And what did you find were in the tins?

A. Some contained cheese, some meat and some grapes.

Q. What was that food used for?

A. The contents of those tinned stuffs were given to the guests to be eaten.

Q. When you say guests, whose guests?

A. Tokunaga's guests -- they were friends of Col TOKUNAGA.

Q. Were these tinned foods -- meat, cheese and grapes, used elsewhere as well -- I mean outside his home?

A. I have seen him taking them out but I do not know what these tinned stuffs were used for.

Q. You say they were brought out -- from where?

A. From his home -- he took it in his car and went off.

Q. And do you know where he took them to?

A. Mostly to his friends' houses but I cannot remember these friends' houses.

Q. On the occasions that you speak of who was driving the car in which this food stuff was taken?

A. I was driving the car.

Q. Can you tell the Court how those large Red Cross boxes got to the house at Kadoorie Avenue?

A. The smaller ones were brought by his private car and the larger ones were brought by lorry.

Q. Will you please tell the Court how you know these smaller ones were brought by his private car and the larger ones by truck?

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37th WITNESS FOR PROSECUTION -- Mr. LEUNG LUI.

EXAMINATION IN CHIEF (Cont.)

A. The smaller ones were brought in the car which I was driving and the larger ones, when they were brought in the lorry, sometimes 10 or a little more cases of these big boxes; when the lorry passed his house, two or three were taken down and the rest of them went somewhere else.

Q. How do you know about this?

A. I saw it by myself.

Q. How many of these large boxes would you see in a lorry at any one time?

A. They were ration lorries and they used to contain eight or ten cases -- sometimes they were loose ones.

Q. Were Red Cross parcels held elsewhere than at Col TOKUNAGA'S house -- have you ever seen them anywhere else?

A. Perhaps in the Office where the Japanese people used to stay at other places -- I have not seen.

Q. Where was that office which you speak of?

A. No 2 FORFAR Street.

Q. Will you look at this picture, Exhibit H(4) and tell the Court if you recognise any of the pictures?

A. This is No 2 FORFAR Street (Witness indicates picture No.6) 2

COURT: Witness says 'Perhaps in the Office where the Japanese people used to stay' -- I would like the witness to explain that. Does he mean to say he did not see them himself?

WITNESS: There were several offices and I am not certain in which office I saw them.

COURT: You mean one of these offices -- there were other offices in FORFAR Street and you saw the goods in one of them, is that correct?

WITNESS: Yes, on most occasions I was at FORFAR STREET.

PROSECUTOR:

Q. Will you tell the Court what you know about Col TOKUNAGA in relation to the Red Cross parcels which you saw at FORFAR STREET?

A. I was working for Col TOKUNAGA and I saw the things there.

Q. What did Col TOKUNAGA do about these things that were there?

A. I just saw them there I do not know what happened to these articles.

Q. While you were driving Col TOKUNAGA'S car, but when you were not, at the house did you see any Red Cross parcels?

A. Sometimes in the dining room.

Q. I am speaking now when you are outside the house sitting in Col TOKUNAGA'S car, what did you see of the Red Cross parcels then?

A. I have not seen anything.

Q. Will you tell the Court what you have seen Col TOKUNAGA doing with Red Cross parcels?

A. When I saw he was bringing it to the kitchen and he left these articles in the kitchen.

Q. Where did he get them from when he took them to the kitchen?

A. From his living room which was upstairs.

Q. Was this in Kadoorie Avenue or 2 Forfar Street?

A. Kadoorie Avenue.

Q. What were the goods in the living room for?

A. I do not know -- his room was locked.

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37TH WITNESS FOR PROSECUTION -- Mr. LEUNG LUI.

EXAMINATION IN CHIEF (Cont.)

Q. You have told us that at times you used to carry in your car some small parcels of Red Cross goods, where did they come from?

A. From the office at SHAM SHUI PO.

Q. How did you get them into your car from the office at SHAM SHUI PO?

A. The soldiers brought them out to the entrance and then I took them into the car.

Q. And what were the goods in?

A. They were unopened and I do not know.

Q. What were the boxes contained in -- the boxes themselves, were they contained in?

A. Some of the boxes were made of paper and some were wooden boxes.

Q. How did you know they were Red Cross boxes?

A. There were red cross marks on them.

Q. Going back to FORFAR STREET -- where you saw parcels -- when, if on any occasion, were they removed, to your knowledge from FORFAR STREET?

A. I do not know -- the Red Cross articles were there and I had not taken them to anywhere else.

No further questions.

COURT: You said soldiers brought them to the gate -- what soldiers were they?

WITNESS : Japanese soldiers.

Q. Col TOKUNAGA'S car which you drove, do you remember what colour it was?

A. Green.

Q. Did it carry any distinguishing mark of any kind, was there anything to show that it was Col TOKUNAGA'S car?

A. It had a number plate which indicated "Food for the POW CAMP" and the number of the car was No.1.

Q. Was there any other distinguishing mark?

A. There was a red flag.

Q. Where was this red flag carried?

A. At the head of the engine there is a place to put this red flag; if he was riding in the car the flag was used; but if he was not it was removed.

Q. You referred to Col TOKUNAGA living at 108 Waterloo Road, did he live there before or after he was at Kadoorie ~~Middle~~ Avenue?

A. He had both these houses at the same time.

No further questions.

CROSS-EXAMINATION -- Mr. FUJITA -- declined.

CROSS-EXAMINATION -- Mr. HASEGAWA -- declined.

RE-EXAMINATION -- Major PUDDICOMBE -- declined.

COURT: Witness may stand down.

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^{acc}
30th WITNESS FOR PROSECUTION -- Mr. MAK KEE SHING.

EXAMINATION IN CHIEF.

having been duly affirmed &c
Witness ~~makes a solemn declaration~~ and is questioned by the Prosecuting Officer:

Q. Is your name MAK KEE SHING?
A. Yes.

Q. I understand you are 21 years of age?
A. Yes I am.

Q. Of Chinese nationality?
A. Correct.

Q. Born at Sedan, Malay States?
A. Yes.

Q. You live at 35 Prince Edward Road, KOWLOON?
A. Correct.

Q. Will you tell the Court where you were working in 1942?

COURT: Will you warn the witness that he need not answer any questions from PROSECUTION, DEFENCE or the COURT which may implicate him in crime.

Witness is warned.

A. I was working in the POW Camp, HONG KONG.

Q. Where was that?
A. At FORFAR Street.

Q. Will you look at these men across the room from you and tell the Court if you know anyone?
A. I know three of them.

Q. Will you tell the Court which of the three you know?
A. 1) SAITO, 2) TANAKA, and 3) Col TOKUNAGA.

Q. Where is Col TOKUNAGA sitting?
A. The first one from the left of the dock in front.

Q. Which one is Capt SAITO?
A. The one on the extreme right.

Q. Which is TANAKA?
A. The one next to SAITO.

Q. What were you doing at the POW Headquarters in FORFAR Street?
A. I was working as a boy in the Intelligence Office.

Q. Will you tell the Court when you were working there of any time that you saw POWs in the building?
A. One day during July or August 1942 I heard something very noisy downstairs. The noise was made by someone going up the stairs. Eventually, they went up to the second floor. At that time I was in the kitchen. In this kitchen there was a window with glass window panes; I looked out through this window.

Q. Will you look at the pictures in Exhibit H(4) and will you tell the Court what that picture is and whose figure that is in the door and when it was taken?

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38TH WITNESS FOR PROSECUTION -- Mr. MAX KEE SHING.

EXAMINATION IN CHIEF. (Cont.)

A. This picture was taken at Headquarters. This figure is myself. The place where I am standing in this picture is the kitchen. The place where I am facing was the sitting room. That is all.

Q. You were telling us that you were in that doorway of that particular room, where was that again, that room?

A. This is the second floor of the POW Camp Hqs. Office at FORFAR STREET.

Q. You were up there -- now tell your story from there?

A. Continuing my story -- I saw Japanese soldiers bring four POWs into this sitting room. First when they were taken in they were kept standing and then a little later, the first one who came up was SAMAMORI, then Lt TANAKA followed. And then the Adjutant KURATA came up -- they went into Col TOKUNAGA'S room and came out all together.

Q. Will you look at the pictures again and demonstrate to the Court where the POWs that you saw were?

COURT: Will the witness please explain -- he said that they all came out together -- does he mean the three men or does he mean the three men and Col TOKUNAGA as well came out with them, or does he mean the prisoners?

WITNESS: The person who went into Col TOKUNAGA'S room was KURATA. There were many others, SAITO, KATO, WADA and NIIMORI.

COURT: The witness described having seen four POWs brought into a room -- then later he said SAMAMORI came up; then TANAKA and then KURATA. Into what room did they go?

WITNESS: Two of them were in this sitting room with the four POWs.

COURT: And then KURATA was the only one who went into COL TOKUNAGA'S place, is that right?

WITNESS: Yes sir.

COURT: Then he has mentioned he saw SAITO, KATO, WADA and NIIMORI -- did they also go to Col TOKUNAGA'S office and was that before or after KURATA got out?

WITNESS: No, all of them were outside in this sitting room.

COURT: When he says the sitting room does he mean where the POWs were?

WITNESS: Yes, sir.

COURT: To get this quite clear -- you have the sitting room with the four POWs, SAMAMORI, TANAKA, SAITO, KATO and NIIMORI, and KURATA had gone into Col TOKUNAGA'S room, is that correct?

WITNESS: Yes, and also WADA.

COURT: Where was he, in the sitting room?

WITNESS: Yes, sir.

COURT: Where was the sitting room in relation to Col TOKUNAGA'S office?

WITNESS: The room next to this sitting room was Col TOKUNAGA'S room.

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38TH WITNESS FOR PROSECUTION -- Mr. MAK KEE SHING.

EXAMINATION IN CHIEF (Cont.)

PROSECUTOR:

- Q. Look at the pictures in Exhibit H(4) and tell the Court what picture No.5 is?
- A. This is a picture of the sitting room taken during the interrogation; the smaller figures are the Japanese side and the taller ones indicate the people who are being interrogated.

PROSECUTOR: Sir, the witness has made a mistake here -- I do not think this is a scene of the actual interrogation at all, and he appears to be confused about this.

- Q. When was this picture taken?
- A. I forget when but I think about two weeks ago.

COURT: I think you can assist the witness and put the question to him differently as this scene appears to be fresh in his memory --

- Q. Now Do you mean that this picture No.5 represents something that you could see through the window on that day in July or August 1942 when you looked out -- could you see something similar to this when you looked through the window?

WITNESS: Yes sir.

PROSECUTOR:

- Q. Now, when you were standing where you are in picture No.4 -- you could see the scene in picture 5 there -- is that right?
- A. That is correct.
- Q. The figure on the right hand side of picture No.5 -- do you remember whose figure that is -- who that figure is -- the actual person?
- A. Myself.
- Q. When you were standing there will you tell the Court what you were representing?
- A. I was representing the Japanese side.
- Q. Will you look at the larger figure on the left hand side and will you tell the Court what that figure represents?
- A. This figure represents the four British soldiers.
- Q. Will you tell the Court how these prisoners were dressed, and if you can, describe any of them by other than their dress; their faces, the colour of their hair, and so on?
- A. Some of them wore white shirts, some khaki shirts; all of them wore short pants. They were stained with mud and blood and the hands of all of them were tied at the back. One of them had golden hair and he had a scar above his temple.
- Q. Was that an old scar or a new scar?
- A. It was an old one.
- Q. Can you tell the Court how big that scar was?
- A. The length of the scar was about one inch or perhaps a little longer.
- Q. Over which eye was the scar, do you remember?
- A. Above his left eyebrow.
- Q. Will you tell the Court what happened to the four POWs?
- A. When they all came, NIIMORI started to interrogate. When a question was asked and it was not answered by any of the POWs

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38TH WITNESS FOR PROSECUTION -- Mr. MAK KEE SHING.

EXAMINATION IN CHIEF (Cont.)

he was beaten by a baseball bat which NIIMORI had in his hand.

Q. How do you know it was a baseball bat?

A. I have been playing baseball and therefore I know it was a baseball bat.

Q. How hard did NIIMORI hit these men with the baseball bat, can you demonstrate?

A. Just ordinarily but when he struck their heads he seemed to be striking a little softer but when he struck them on other parts of the body he struck ordinarily.

Q. Where was Col TOKUNAGA when this was going on?

A. He was sitting behind NIIMORI.

Q. Can you indicate in that picture No.5 where Col TOKUNAGA was sitting?

A. This low figure indicates NIIMORI, behind him Col TOKUNAGA was sitting and behind that there were some sofas.

Q. What happened after that -- go on with your story?

A. When a question was asked and it was not answered, they were beaten; that was the attitude of the interrogation. This continued for an hour or so and afterwards they were brought downstairs. They were put on a lorry and were sent somewhere else.

Q. What did you learn about who these four POWs were who you had seen?

A. I later learnt that these four were Canadians -- they had been escaping from the POW Camp.

Q. Who told you about that?

A. A Sgt/Maj named HAYASHI.

Q. Who was Sgt/Maj HAYASHI?

A. He was working in the Intelligence Office of the POW Camp.

Q. Will you look at the pictures and tell the Court what the two on the second row to the left hand side are?

A. No.6 is a picture of FORFAR Street Hqs. taken from behind of the building and No.7 is a front view of the building.

Q. About Sgt/Maj HAYASHI, do you remember any other occasion on which he spoke to you about ~~these~~ any POWs?

A. No.

The Court is adjourned until 1000 hours, 21 December 1946.

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NO. 5 AT GILES COURT.

21ST DAY'S Proceedings of the trial of Col. TOMIYAGA Isao,
Capt. SHIMO Shunichi, Lt. TANAKA Hitoshi, Interpreter TOMIYADA
and Sgt. HARADA Jotaro.

(Held at J. rdine Matheson's East Point Godown.)

Saturday, December 21, 1940, 1000 Hours.

The Court re-assembles at 1000 hrs. etc.

38TH WITNESS FOR THE PROSECUTION - Mr. MAY KEE SHING REE.

EXAMINATION IN CHIEF (Continued.)

COURT: Will you remind the witness that he is still bound
by the Oath he made yesterday.

- Q. Yesterday you told us about seeing 4 POWs in FORBES Street.
Now, turning from that I want to ask you what you know
about Red Cross parcels.
- A. I have seen once ABE distributing the Red Cross parcels
to the Non-Commissioned Officers.
- Q. Who was ABE?
- A. A clerk working in the Accounts' section, a civilian attached
to the Army.
- Q. You say you saw him distributing Red Cross parcels to Japanese
POWs. Where did you see that?
- A. At the HQ at FORBES Street.
- Q. Do you know where the Red Cross parcels were kept in FORBES
Street?
- A. In the rooms at the back of the first floor.
- Q. (Showing album of photographs) Will you look at picture No. 6
there of H(4) and point out just where that room was?
- A. (Indicating) These 4 are the rooms.
- Q. From where you point I take the 4 rooms on the left hand
wing on the first floor where you saw the Red Cross parcels
stored, is that correct?
- A. Yes.
- Q. Do you recall how many parcels were taken from the store
room at the time you saw them being distributed to the
Japanese?
- A. About 30.
- Q. This man ABE, who was he employed by?
- A. I do not know; he was working at the HQ at FORBES Street.
- Q. Again, just for the record, whose HQ was that?
- A. POW Camp.
- Q. Who were the Japanese who received the parcels? Were they
civilians or soldiers?
- A. POWs.
- Q. What were these POWs attached to?
- A. All the POWs were attached to the HQ at POW Camp.
- Q. Under whose command were they?
- A. Col. TOMIYAGA's.

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Mr. HAI.

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- Q. Are you able to tell me anything about Cart. S. ITO?
- A. Before, milk was brought from the dairy farm to be given to the sick POWs but I myself had been taking up some bottles of milk to be drunk by the NCOs. In the beginning, the car that was transporting the milk seemed to be going direct to the POW's camp but by this time it seemed that the car came to the HQ at FORBANK Street and the milk was brought up to the medical room at the H.
- Q. It went to the Medical Department at FORBANK Street, what became of it there?
- A. It was left there to be consumed by the NCOs.
- Q. How do you know this?
- A. I myself had been going down to bring these things up.
- Q. What things are you referring to?
- A. Milk.
- Q. You yourself brought them up to the Japanese office, is that correct?
- A. Yes, I myself had been taking these things up because I was told to do so.
- Q. Were they empty or full when you took them up?
- A. Of course, they were full.
- Q. Full of what?
- A. Milk.
- Q. Who brought them down again?
- A. I also took the empty bottles down.
- Q. You say the Japanese drank the milk. Why do you think they drank it? Did you see them drink it?
- A. Of course, I have seen them, otherwise I would not know.
- Q. What POWs did you see at the Japanese medical offices in FORBANK Street?
- A. No, I have not seen.
- Q. Where did the POWs report sick, do you know?
- A. I do not.
- Q. What do you know about Dr. SAITO in regard to the delivery of milk?
- A. The purpose of this milk was for the sick POWs.
- Q. What has that got to do with SAITO?
- A. SAITO was a doctor; he was supposed to look after the sick POWs and therefore he should have supervised or looked after this milk.
- Q. Do you know who sent this milk to the sick POWs?
- A. I do not know.
- Q. Where did it come from?
- A. The dairy farm from ~~DAI~~ Hill.
DIAMOND Hill
- Q. Who paid for it?
- A. I have not been there therefore I do not know. I only heard that this milk was taken from that place.
- Q. How do you know then that this milk was intended for the POWs?
- A. On the first several occasions I saw this milk brought into the POW camp and therefore I came to know that this was for the sick POWs.

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Mr. KAY.

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- Q. On these occasions who brought the milk into the POWs camp?
A. I am not sure.
- Q. Do you know anything about parcels brought into the camp by relatives of the POWs?
A. Every Monday the families of the POWs were allowed to send parcels into the POWs. However, perhaps their friends, husbands or brothers. On every occasion the parcels were sent their contents had to be examined. This was done under the supervision of MIIMORI.
- Q. Who was MIIMORI?
A. The Interpreter attached to the HQ. During the examinations when he saw any articles which he liked or suited him, he picked them up and took them aside. That is all.
- Q. When he had taken the things that he liked himself, what did he do with the parcels?
A. If he liked he opened the tins and ate the contents.
- Q. You have told us that MIIMORI used to take things out of the parcels that he liked. When he had taken the things he wanted, what did he do with the parcels?
A. I am not sure how these parcels were handled later.
- Q. What did he do with the things he had taken out of the parcels?
A. When he liked he opened and ate them.
- Q. Can you tell the Court who, if anybody, helped MIIMORI examine these parcels?
A. Yes, WATIAKE, KATAYAMA, ~~ONE~~ ^{INNOUE KIC}, these were the persons I remember.
- Q. What did they do about the contents of the parcels?
A. They examined the contents.
- Q. Having examined the contents, what did they do with them?
A. I do not know.
- Q. Will you tell the Court where MIIMORI ate these things that you spoke of?
A. At the Intelligence room on second floor of the HUNG HUNG POW camp office.
- Q. How do you know that?
A. Sometimes I was told to open the contents ^{KIC} of the tins.
- Q. But how did you know that MIIMORI ate the contents of the tins?
A. Of course, when he opened he ate by himself.
- Q. What do you mean by that, he ate by himself?
A. I opened the tins for him, I saw him ~~putting~~ eating. Later perhaps he might have given to someone else, that I do not know.
- Q. You saw him eating?
A. Yes.
- Q. Who else was in the Intelligence office when MIIMORI had you open those cans?
A. HASEGAWA, KATAYAMA, ~~ONE~~ ^{INNOUE KIC}.
- Q. Who was KATAYAMA?
A. Also an Interpreter.
- Q. Who were ~~ONE~~ ^{INNOUE KIC} and HASEGAWA?
A. Also Interpreters.

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Mr. MAK.

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- Q. Were they there when you saw YIMORI eating the contents of the tin?
- A. They were.
- Q. You say that is the Intelligence office. Who was the Intelligence officer?
- A. TAMAYA.
- Q. There was TAMAYA when you saw YIMORI eating the contents of these parcels in the presence of the other three interpreters?
- A. I did not see him.

CROSS EXAMINATION:

- Q. You testified that you worked in the Intelligence room. Did you have a table there?
- A. No.
- Q. When you were working, ordinarily where did you stay?
- A. I was at the back in the kitchen.
- Q. In that case you cannot say that you were the "boy" working in the Intelligence room, is that so?
- A. I was not allowed to stay in the Intelligence room but I had to look after the things in the Intelligence room.
- Q. Did you not bring tea to other people that worked at the HQ besides the people in the Intelligence room?
- A. No, I served tea only to the people in the Intelligence room.
- Q. Is it not true that as you did not have a table in the Intelligence room you took documents to other rooms and also served tea to the other rooms?
- A. Only serving tea.
- Q. How many Japanese worked in the Intelligence room?
- A. 4 during the time I was there.
- Q. You said that you heard noises, off several POWs coming up the stairs. Where were you when ~~the~~ you heard the noise?
- A. I was in the kitchen.
- Q. What was the time then?
- A. Around 10 a.m.
- Q. When you first saw the POWs, what were they doing?
- A. They came up guarded by Japanese guards, the hands of all of them were tied behind their backs.
- Q. You said that you saw the POWs through the window, that means you saw them when they passed in front of you?
- A. Yes.
- Q. You said that some of the POWs were wearing white shirts and some khaki shirts, is that correct?
- A. Yes.
- Q. (indicating album of photos already referred to). Will you look at these photographs and see No. 4. Facing you, from where did the POWs come up?
(Witness indicates position to the Court.)
- Q. You mean that facing photograph No. 4 the POWs came in from the right side?
- A. That is right.

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Mr. MAK.

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- Q. From the place where the POWs were interrogated to the place where you saw them, what was the distance?
- A. About 7 to 8 feet.
- Q. Facing photograph No. 5 you saw the POWs from the front, is that right?
- A. Yes, I saw it as it appears in this photograph.
- Q. When the POWs were interrogated what was the distance between MINORI and the POWs?
- A. One or two feet.
- Q. Where were the other Japanese besides MINORI?
- A. They were seated behind MINORI.
- Q. When the POWs left the interrogation room, did you notice if any were hurt?
- A. I am not sure.
- Q. Were not some of the POWs bleeding?
- A. Yes.
- Q. Where was the blood coming out from?
- A. Some from the face, some from the arm.
- Q. You said that interrogation lasted an hour. Did you watch it?
- A. No, I was not watching always.
- Q. You said that you saw Lt. WADA, where did he usually stay?
- A. He was very seldom there.
- Q. What sort of things were the POWs wearing?
- A. I am not sure whether they were wearing shoes or not.
- Q. About the guards, do you know whether they were Japanese or Formosan?
- A. Japanese soldiers.
- Q. Turning to milk, from when was the milk delivered to the HQ?
- A. In 1942, I cannot remember when.
- Q. How long was milk delivered?
- A. I am not sure.
- Q. Did you stay there until the surrender?
- A. No, I was working there for about a year. I started working there from February 1942 and finished about February 1943.
- Q. How many bottles of milk were delivered?
- A. As far as I know there were about 150 bottles.
- Q. You said that the HQs drank the milk. Did they drink all the 150 bottles?
- A. Whether they drank all I do not know but I know that I brought 10 or a few more bottles into the office.
- Q. You said that SAITO was a doctor and he looked after the POWs. Did you ever see him giving medical treatment to the POWs at the medical room in the HQ?
- A. No, I did not see because they were on the first floor and I was on the second floor. I seldom went down.
- Q. Are you sure there was a medical room at the HQ?
- A. I am certain.

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Mr. KAK.

- Q. You said that before the milk was delivered to the office; it was delivered to the POW camp but after it was delivered to the office. Do you know whether it was still delivered to the POW camps?
- A. I do not know that.
- Q. You said that Interpreter NIIMORI examined parcels that were sent into the camp. Were the senders present when NIIMORI examined the parcels?
- A. No.
- Q. In what sort of containers were parcels sent to the camp?
- A. Gunny bags.
- Q. Do you know whether some things were prohibited from being sent into the camp?
- A. No I do not know.
- Q. You said that NIIMORI took some things he liked. Besides foodstuffs what did he take?
- A. I do not know.

Re-examination . .

- Q. Will you again look at the pictures 4 and 5 here. You told the Japanese Counsel a moment ago that you were looking at this man here. When you were watching those 4 POWs you were facing that man in the photo. Is that right?
- A. Correct.
- Q. Looking from there which side of the man's face did you see?
- A. The right side.
- Q. You told the Court previously that you saw one of these POWs had a scar over his left eye. How could you see a scar on the left hand side of the man's face standing where you were?
- A. He was not stiff, he was moving.

C COURT: The Court proposes to get witness to stage a small demonstration as to exactly what he saw and how he saw it, with the assistance of Counsel and the co-operation of the members of the Press.

The Court adjourn for five minutes so that the demonstration can be staged.

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SATURDAY, 21st DECEMBER, 1946

38th WITNESS FOR PROSECUTION -- Mr. MAK KEE SHING.

DEMONSTRATION.

The Court re-assemble in a corner of the Courtroom which has been arranged to reproduce a setting of the room at the time of the interrogation as seen through the window by the witness (Photograph 5 Exhibit H(4)). *against all*

COURT: The witness states that on the occasion when he saw the interrogation at FORFAR STREET he was standing where he is standing now. *The Prosecution, the Japanese Army Officer and two press members are faced by the witness to represent the four P.C.W. he saw all*

Court Can you tell the Court where the tall man with the golden hair stood?

WITNESS: I am not sure.

COURT: Do you remember where the man with the scar stood?

WITNESS: I am not certain.

COURT: Will you show where interpreter NIIMORI stood?

WITNESS: 2 feet in front as represented by Interpreter SASAKI. *(Pronounced like Antonio.) all*

COURT: Will you show the Court where Col TOKUNAGA was?

WITNESS: He was sitting in the position of that chair there. (Mr. CHACKO sits where witness says Col. TOKUNAGA was sitting).

COURT: ~~WITNESS~~ Was anyone else in the room at the time besides the four prisoners, NIIMORI and Col TOKUNAGA?

WITNESS: Yes, the rest of them, whose names I have mentioned, were sitting on the sofa.

COURT: Did that include KURATA as well?

WITNESS: KURATA and the others.

COURT: Is it right that the upturned table represents the sofa?

WITNESS: That is right.

COURT: (The upturned table about 6 feet behind the man representing NIIMORI, represents the sofa where the Adjutant KURATA and other Japanese personnel were sitting).

Will you look at picture No.4, is the kitchen behind?

WITNESS: That is right.

COURT: You are standing with your back to the kitchen looking into the room where the interrogation is taking place?

WITNESS: That is right sir.

COURT: Can you show the Court where the staircase was and how were the ~~prisoners~~ prisoners brought into the room?

WITNESS: There is an entrance there to the sitting room.

COURT: You mean a door?

WITNESS: Yes, there is a door -- just outside the door at the left-hand side there is a staircase.

(Witness indicates the position of the door and the staircase).

COURT: Could you give the Court any idea of how long or how broad the room was where the interrogation was held?

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38TH WITNESS FOR PROSECUTION -- Mr. MAK YEE SHING.

DEMONSTRATION (Cont.)

WITNESS: The breadth was about from the first window to the last corner.

COURT: Can you estimate the dimensions in feet?

WITNESS: About 15 feet in length.

(The President paces the distance mentioned by witness --
(an approximate estimation is between 20 and 24 feet)).

COURT: Now the breadth, can you estimate the dimension?

WITNESS: The room was nearly a square.

(The length and the breadth were about the same).

COURT: Mr. FUJITA do you wish to ask any questions about this?

DEFENCE: Yes.

Q. Where did the guards stay?

A. At the door where they entered.

No further questions.

COURT: Mr. HASEGAWA do you wish to ask any questions?

DEFENCE: No.

COURT: Major PUDDICOLBE do you wish to ask any questions?

PROSECUTOR: I would like this question to be asked by the Court.

The witness said the man with the scar moved around -- does he mean he turned his head or did he move his position in relation to the other prisoners?

WITNESS: While they were coming in and before they were made to line up this man turned around.

This concludes the demonstration. RCL

COURT: Do you remember ever seeing Col TOKUNAGA present when these parcels were brought in from people outside and were being examined by NIIMORI and the other interpreter?

WITNESS: No.

COURT: Witness may stand down.

.....

~~39TH WITNESS FOR PROSECUTION -- Mr. MATSUDA.~~

~~DEMONSTRATION (Cont.)~~

COURT: The certified true extracts from the file of the New Asiatic Chemical Works produced by witness SGO^{RCL} are now handed in together with the certificate signed by Mr. SGO^{RCL} are initialled by the President, marked L(4) and attached to the proceedings.

RCL

Re Call Mr. MATSUDA.

COURT: Mr. MATSUDA will you remember you are still bound by the oath which you took.

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WITNESS: Yes sir.

PROSECUTOR: Mr. MATSUDA, have you translated the documents that you showed the Court yesterday.

WITNESS: Yes I have.

PROSECUTOR: Will you refer to it by name?

WITNESS: ^{Account RCL}
This is the payroll of Officers and other ranks at POW Camp Hqs.

PROSECUTOR: Have you the original in writing? Will you produce the written document then.

WITNESS: ^{Account RCL}
This is the original.

I have only translated the pay received by the officers and have omitted the 'Other Ranks'.

COURT: You have only translated the pay received by the officers?

WITNESS: Yes, sir.

COURT: The item referred to as special allowance, is that the bonus which you mentioned in the cross-examination?

WITNESS: The bonus is not mentioned here.

COURT: Do you certify that this document here is a true and correct translation of the Japanese document which you have in your hand?

WITNESS: Yes sir, and this is the original here.

COURT: Will you tell the Court how this original document came into your hands?

WITNESS: I was employed by the Intelligence Staff of the Navy in the Supreme Court doing Japanese translations for some time.

COURT: When was this?

WITNESS: Since August of this year -- and also acting as Interpreter in the Court.

COURT: Then what happened?

WITNESS: Two more besides myself were working there and we translated the documents. Those that were not necessary we threw into the waste paper basket -- I went through the waste paper basket and took up that document as I thought it ~~may~~ ^{might} be needed at a future date.

COURT: Was pay in the Japanese Army paid in arrears or in advance?

WITNESS: Paid each month, sir.

COURT: I do not think you quite understood the question -- when a man receives pay, say on the 1st of June, is that payment he has earned during June or pay he has earned during the month of May?

WITNESS: At the end of that month they were paid for that month -- I think payment was made on the 25th of each month for that month.

COURT: Do you know whether after the war came to an end was the pay altered in any way in the Japanese Army?

WITNESS: On the 18th or 19th of August last year they were paid three months' pay in advance and were never paid after.

COURT: Was any more pay drawn during August 1945?

WITNESS: I think they paid about 3,000 Yen -- I think they paid this to each Government employee and army personnel.

COURT: Yes, Mr. MATSUDA, but the date of your English translation

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of this document bears the date of the 29th of August 1945 -- how can you account for this although you say that three months' salaries were paid about the middle of August -- what is this further amount?

WITNESS: That is for the month of August. That is the pay for that month and besides this they were paid three months in advance last year after the surrender.

COURT: At this time in August 1945, what was the ~~next~~ yen worth compared with the Hong Kong dollar?

WITNESS: I do not know the exchange rate -- as far as I know at the beginning of September there was all Japanese military yen and value ^{for} ~~of~~ dollars at all.

COURT: During the Japanese occupation, supposing anyone wanted to try to buy Hong Kong dollars for yen, was there any official rate, do you know?

WITNESS: No sir.

No further questions.

COURT: Mr. FUJITA do you wish to ask any questions?

DEFENCE: No Sir.

COURT: Mr. HASEGAWA, do you wish to ask any questions?

DEFENCE: No sir.

COURT: Major RUDDICOMBE, do you wish to ask any questions?

PROSECUTOR: No sir.

COURT: The Japanese document produced by the witness, MATSUDA, together with his certified translation, is handed to the Court, initialled by the President -- the Japanese original is marked N(4) and the English translation is marked O(4), and attached to the proceedings.

COURT: Witness may stand down.

.....

40th ^{ALL}
29TH WITNESS FOR PROSECUTION -- Mr. EUGENE MAK.

EXAMINATION IN CHIEF.

Witness is sworn ^{ALL} ~~in~~ and questioned by the Prosecuting Officer:

Q. Your name is EUGENE MAK?

A. Yes.

Q. You were an overseer at KAI TAK aerodrome, KOWLOON, HONG KONG?

A. Yes.

Q. You are 26 years of age?

A. Yes.

Q. Of British-Chinese nationality?

A. Yes.

Q. Do you mean you are a British subject?

A. Yes, sir.

Q. You were born at HONG KONG?

A. Yes.

Q. Your permanent home ~~is~~ is TUNG KWON District, KWANTUNG?

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60TH WITNESS FOR PROSECUTION -- Mr. EUGENE MAX.

EXAMINATION IN CHIEF (Cont.)

A. Yes.

Q. You live at present at 335 Prince Edward Road, KOWLOON?

A. Yes.

Q. Will you tell the Court where you were employed from September 1942 onwards?

A. After release from the POW Camp in ARGYLL STREET I was working at POW Hqs. FORFAR ROAD, KOWLOON. I was also a B.A.A.G. Agent.

Q. How did you come to be released from SHAM SHUI PO?

A. From ARGYLL STREET?

Q. How were you released from ARGYLL STREET?

A. In 1942, in the middle of September, all Chinese were summoned before Col TOKUNAGA and we were asked to sign an affidavit promising not to try and escape after release or do anything which would be harmful to the ~~Chinese~~ ^{Japanese} forces in the colony.

Q. You were engaged at POW Hqs. where was that?

A. In FORFAR ROAD, KOWLOON.

Q. Will you tell the Court what you know about Red Cross parcels?

SOCIETY
ALL A. Red Cross parcels were coming through the International Red Cross ~~residing in~~ Hong Kong. It was in the year 1943. Red Cross parcels were stored up at GUN CLUB HILL.

COURT: Might we know what the witness was employed as -- what was his status at FORFAR ROAD?

PROSECUTOR: Will you tell the Court what your status was?

A. After release from camp the Japanese employed me at POW Hqs. as a typist.

Q. Who was in charge of these stores at GUN CLUB HILL?

A. A man from the Paymaster's staff called ABE; also Capt KATO, who was the Paymaster in charge of the Red Cross parcels during the time.

Q. Continue with what you know about Red Cross parcels?

A. All of these parcels stored at GUN CLUB HILL were supposed to be distributed to all prisoners in Hong Kong at the time. I found out later from the guards, especially those among the Paymaster's staff, that only some of these Red Cross parcels were being given to the prisoners -- a percentage of these parcels were given to the prisoners they told me. The Japanese knew these parcels were badly needed by the POWs. They also knew these parcels were needed by them too; so some of these parcels were taken away by the Japanese, and a percentage of these red cross parcels were sold secretly.

Q. When you say the Japanese took them, what Japanese do you mean?

A. I mean the High ranking officers -- Col TOKUNAGA and Capt KATO and ABE, the man in charge of the stores, and the rest of these Japanese. And NIDORI. And also I found out from the amahs when they came to my office to collect their pay that Col TOKUNAGA'S houses had a lot of these tinned goods.

Q. Where is TOKUNAGA now?

A. The first one facing me.

Q. Which one is he?

A. Sitting in the front on the left hand side.

Q. On your left hand side?

A. Yes.

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39TH WITNESS FOR PROSECUTION -- Mr. EUGENE MAX.

EXAMINATION IN CHIEF (Cont.)

Q. Do you know any of the others there?

A. Yes.

Q. Will you tell the Court which ones you know?

A. The first one is Col TOKUNAGA; second, Interpreter TSUTADA, (This man was not very much connected with me during the time), third one is Sgt. HARADA; fourth, Lt TANAKA, the Intelligence Officer; the 5th one is Capt SAITO, in charge of the welfare of all POWs.

PROSECUTOR: You may have occasion to refer to a British officer in your evidence, please do not use his name.

Q. Will you tell the Court what you had actually to do with respect to Red Cross parcels yourself?

A. When I was working there I used to type receipts and make out name-lists of the POWs and on one occasion in 1943 when the first shipment of Red Cross parcels arrived in Hong Kong, NIDMORI and TANAKA, and the Paymaster, Capt KATO, asked me to type out receipts for a large part of these articles received by the Camp Commandant of SHAM SHUI PO Camp.

Q. When you say the Camp Commandant of SHAM SHUI PO Camp, do you mean a British Officer or a Japanese Officer?

A. A British Officer.

I gathered later from the Paymaster's staff that only 50% of these Red Cross parcels were going into the hands of the POWs.

Q. What happened to the other 50% which the POWs did not get?

A. The rest of these parcels were taken away by Col TOKUNAGA and some of the Japanese staff. This was known almost by everybody at the time.

Q. What experience did you yourself have of this selling of the Red Cross parcels -- what do you yourself know?

COURT: Major PUDDICOMBE, I don't think the witness said anything about selling -- he said they were taken away.

Q. What happened to the Red Cross parcels when they were taken away?

A. Most of these parcels were cigarettes and were being sold to the street hawkers.

Q. And what experience had you yourself of that?

A. When I used to go shopping during the week-end when I was at ARGYLL STREET Camp and when I got to the pier, I used to see the street hawkers selling some of these Red Cross parcels.

Q. Do I understand that your evidence is that these hawkers were selling Red Cross parcels for which receipts had been given to NIDMORI and ABE.

A. Yes, they even opened a grocery shop near the corner of AUSTIN road and NATHAN road.

Q. Who opened this shop?

A. It was opened by ABE and NIDMORI, but Col TOKUNAGA also had some connection with it at the time.

Q. Col TOKUNAGA was behind them?

A. Yes.

Q. You say you were a B.A.A.G. Agent, what were your duties as a B.A.A.G. Agent.

A. The movements of POWs; also their welfare and also the activities of the Japanese forces in the colony.

Q. When you say that Col TOKUNAGA was behind this shop on NATHAN road which NIDMORI and ABE opened, on what do you found that statement?

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39TH WITNESS FOR PROSECUTION -- Mr. EURENE MAX.

EXAMINATION IN CHIEF (Cont.)

A. At first I was surprised when I was told by the Japanese guards, but also I had personally seen tinned goods that were stolen in the show windows there.

Q. When you say you were told by the Japanese guards, what did they tell you about Col TOKUNAGA?

A. They told me that Col TOKUNAGA used to take a lot of these red cross parcels in his truck and took them down to the shop in NATHAN Road. Also, I used to see these tinned goods in the shop window.

Q. You saw them?

A. Yes sir.

Q. What do you know about private parcels for POWs?

A. Private parcels used to be received twice a week -- at that time Col TOKUNAGA, TANAKA and NIDMORI and the rest of the interpreters were downstairs and would inspect the private parcels. And they would help themselves to what they liked among the tinned goods.

Q. What had you to do with the property of deceased prisoners?

COURT: I don't think that is relevant to the charge -- the property of deceased prisoners does not enter the charge.
Concern RCL

Q. In regard to the private parcels, who did you say took these parcels?

A. Col TOKUNAGA, TANAKA and NIDMORI.

Q. How did you know that they took them?

A. Sometimes when they were running short of slips I had to go down and take slips to them and at that time I saw these people help themselves and pick up those tinned goods which they liked.

Q. What do you mean by slips?

A. Parcel slips.

Q. They were running short of what parcel slips?

A. For the person signing to fill in.

Q. In regard to the taking of Red Cross parcels and things from private parcels, how well known was that at FOR FAR STREET Hqs.?

A. This was known to almost everybody because sometimes NIDMORI and TANAKA would offer something from some tinned goods.

Q. Yes, but how did they know it -- how did nearly everybody know these were the goods from the parcels?

A. Because, for instance, like a packet of cigarettes -- they would pick it up and sometimes offer the Japanese staff in the office.

Q. What do you know about mail for the POWs?

A. Mail arrived frequently from TOKYO -- every two or three months. Usually about six or seven bags of mail for the prisoners. All this mail would be censored by the interpreters before going into the hands of the prisoners. In June 1944 or 1945 mail arrived quite frequently and as they were running short of interpreters to censor these letters, they were piling up. Instructions were issued by Col TOKUNAGA to Lt TANAKA and then to NIDMORI that all letters exceeding 50 words were to be burnt or destroyed.

Q. Were these incoming or outgoing -- coming to the POWs or which the POWs wrote, - which were restricted to 50 words?

A. I mean to say the incoming mail for the POWs -- outgoing ones were restricted to 25 words

Q. Was this order obeyed then?

A. Yes.

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28TH WITNESS FOR PROSECUTION -- Mr. EUGENE MAX.

EXAMINATION IN CHIEF (Cont.)

- Q. What happened to the mail?
- A. They were all burnt up. And most of these letters were for the POWs who were still in camp at the time. About two days before the surrender there were about six wooden trunks of mail burnt by the guards, as well as other documents.
- Q. What do you know about Lt TANAKA apart from what you have already told us?
- A. Lt TANAKA was Camp Commandant in the year 1942 -- of ARGYLL STREET POW Camp -- at the same time he was an Intelligence Officer of the POW Information Bureau and he also acted as Adjutant for Col TOKUNAGA.
- Q. That is what he did, now what do you know about him?
- A. When the POWs were re-captured after their escape, Lt TANAKA, Col TOKUNAGA and also interpreter NIDMORI interrogated them. On one occasion when they were interrogated the prisoners were in the room next to my office and it was quite easy to hear the beating and screamings inside the next room.
- Q. Do you know what Japanese were present on that occasion?
- A. Mostly Lt TANAKA, NIDMORI and one officer called ICHIKI.
- Q. Where was your office in FORFAR STREET?
- A. In the beginning it was on the top floor.
- Q. At the time when you heard this beating and screaming where was it?
- A. It was on the first floor -- on the left hand side.
- Q. How did you get to your office -- you start from the ground floor then how did you get up to the first floor?
- A. You got up to the first floor.
- Q. How did you get up there -- by a lift or staircase -- or how?
- A. By the stairway.
- Q. You got up by the stairway -- now where was your office in relation to the head of the stairway?
- A. The typist's office was at the right hand side of the stairway and the room for beating up the POWs was next to the office.
- Most of these interrogations were done at ARGYLL STREET at Lt. TANAKA'S billet. This billet was called WANLOW (167 ARGYLL STREET).
- Q. What do you know about that?
- A. On a few occasions the amahs told me the prisoners were brought to this 167 ARGYLL STREET, and downstairs there is a small room right underneath.
- Q. Can you tell the Court who these POWs were who were brought down there; if not, can you tell why they were brought down there?
- A. I recognized a POW at that time who was called PRATA.

COURT: The witness never said he saw any prisoners -- who is this PRATA and how did he recognise him. He said the amahs told him -- I do not think he knows the incident to ~~PROSECUTOR~~ which you are referring?

PROSECUTOR: Sir he said the prisoners were taken to ARGYLL STREET for interrogation -- the amahs sometimes told him so -- he asked who they were -- and on one occasion he was told a man called PRATA was taken there.

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39TH WITNESS FOR PROSECUTION -- Mr. EUGENE MAX.

EXAMINATION IN CHIEF (Cont.)

COURT: We have to get this point clear -- did the Amahs mention a man called PRATA or did you recognise he was PRATA by a description given of him?

WITNESS: At first Pte PRATA was brought to POW Hqs. so I recognised him; after he went somewhere -- I did not know where at the time but I found out from the Amahs later. I described Pte PRATA'S face and other details and they told me that PRATA was interrogated at this place called WANLOW.

PROSECUTOR:

Q. How did you know PRATA?

A. I recognised him when I was in camp.

Q. What camp were you in?

A. ARGYLL STREET and MA TAU CHUNG Hospital Camp.

Q. Do you know where PRATA had come from when he was taken to TANAKA'S place in ARGYLL STREET?

A. Yes, he was from ARGYLL STREET Camp.

Q. And who was Commandant of ARGYLL STREET Camp at that time?

A. Lt TANAKA -- at that time PRATA was an orderly in the Officer's Camp.

Q. What else do you know with regard to TANAKA?

A. A few days later TANAKA instructed NIDMORI to cross out the name of PRATA and fill in a disease called malaria.

Q. You say that you had to cross PRATA'S name off the list and put down he had died of malaria -- what list are you speaking of?

A. He asked me to cross out PRATA'S name --

Q. From what list?

A. From the deceased list.

Q. Was it part of your duties to cross out or to make up this list and cross out names?

A. Yes.

Q. Do you recall any other occasions when you used this list?

A. It was my duty to fill in and cross out POWs drafted to Japan, or deceased or escaped or anything like this. After PRATA had gone ~~NIDMORI~~ TANAKA asked NIDMORI to enter this down as malaria.

Q. I understand that is in connection with the PRATA affair, but I am asking you about any other time -- had you ever occasion, at any other time, to make a notation on this list?

A. On several occasions when TOKYO asked for a certain amount of POWs under different categories -- labour and so on -- TANAKA asked me to pick out all the name cards, according to what he put down in his list.

COURT: I do not think witness appreciated that question -- he appears to have given an answer which has no bearing on the question at all. Perhaps we can put it this way --

Had you, on other occasions, been told to put the names of POWs down as being dead ~~by~~ through disease, or did you have to take a prisoner's name off the roll in camp and put his name down as having died; did you do this on other occasions?

WITNESS: Yes sir.

Q. Will you give any instances of doing that?

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39TH WITNESS FOR PROSECUTION -- Mr. EUGENE MAK.

EXAMINATION IN CHIEF (Cont.)

A. Also another case -- Lt SHREITLEY.

PROSECUTOR: Sir, I do not think we shall proceed further with this incident as it is not relevant.

Q. You said that on these lists you entered deaths -- what else did you enter?

A. Escapes.

Q. Speaking of escapes, will you tell the Court any instances which you know of escapes?

A. A few cases happened like this; prisoners trying to escape and when they were captured back by the Japanese -- and when they got executed, they did not want me to put it down as executed because they did not want anyone to know about it. They asked me to fill in escaped -- that is all. Later I found out from a Japanese, POW Hqs. in TOKYO, in a semi-monthly circular was asking Col TOKUNAGA to give them some information about these escaped prisoners. So after a certain arrangement between the Japanese themselves, they put out a monthly circular and sent it back to TOKYO. In the meantime one or two days later one of the Japanese clerks came to my office and asked me to cross out the word escaped and put down executed.

Q. When did they say they were executed?

A. They had only been told about a week before the surrender because they had to revise all the lists.

COURT: *Were you told to make this alteration about a week before the surrender? as was you told to say they had been executed a week before the surrender?* *Yes, I was told to make the alteration a week before the surrender.*

PROSECUTOR: A week before the surrender you were told to put that in -- when you were told to put that in, were you told to say when the executions took place?

WITNESS: No.

No further questions. R.C.

COURT: The Court is adjourned until 1000 hours on Monday, 23rd December 1946.

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1000 hours.

TWENTYSECOND DAY'S proceedings of the trial of Col. TOKUNAGA ISAO, Capt. SAITO SHUNKICHI, Lieut. TANAKA HITOSHI, TSUTADA ITSUO (Interpreter), and Sgt. HARADA JOTARO, held at HONG KONG on the 23rd December 1946.

(Held at Jardine Matheson's East Point Godown).

The Court re-assembles at 1000 hrs. 211

4th 29th WITNESS FOR PROSECUTION -- Mr. EUGENE MAK.

COURT: Will you remember that you are still bound by the oath which you took on Saturday.

CROSS - EXAMINATION -- Mr. FUJITA.

- Q. Until what date did you work at POW HQS?
A. Right up to the surrender,
- Q. Do you know the Japanese language?
A. No.
- Q. You stated that Lt TANAKA became the Camp Commandant of ARGYLL STREET Camp in June 1942, how do you know about this?
A. I was there at the time.
- Q. Did you not begin to work at the Camp from September 1942?
A. Yes, from September 1942.
- Q. Then, what you just stated now, that Lt TANAKA became the Camp Commandant in June 1942 is a mistake, is it not?
A. I was in the ARGYLL STREET CAMP and then transferred to the Hospital Camp in August 1942.
- Q. Do you know from when and until when was Lt TANAKA Adjutant?
A. In the middle of 1943.
- Q. You said that twice a week personal parcels were allowed to be sent into the camp, do you know on what days these parcels were allowed?
A. First, on Mondays and Thursdays and afterwards they cancelled Mondays and Thursdays and changed this to Fridays.
- Q. You said that Red Cross parcels were stored at GUN CLUB HILL, were all Red Cross parcels stored there?
A. Yes.
- Q. Do you know what relation Lt TANAKA had with the SHAM SHUI PO Camp?
A. No.
- Q. Day before yesterday you testified that NIIMORI, KATO and TANAKA asked you to make six receipts, is that correct?
A. Yes.
- Q. Do you know what connection Lt TANAKA had with Red Cross parcels especially those which concerned SHAM SHUI PO Camp?
A. About these parcels and other things they used to arrange between themselves for different camps. Lt TANAKA was one of the Camp Commandants of the POW Camps, so he had a right to interfere with all these parcels and things.
- Q. Were you not interrogated by Capt COLLISON on the 29th of March this year?
A. I was going up-to see him when I was staying there.
- Q. At that time did you not say that NIIMORI and ABE asked you to make out six copies of receipts?
A. Yes, also Capt KATO.
- Q. Did you say that in the presence of Capt COLLISON?
A. Yes.
- Q. How about the name of Lt TANAKA?
A. I did not see his name on the receipts there but there was one Paymaster,

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39th WITNESS FOR PROSECUTION -- Mr. EUGENE MAK.

CROSS - EXAMINATION - Mr. FUJITA (Cont.).

Capt KATO and Col TOKUNAGA.

Q. I am not asking you whose signatures were on the receipts I am asking you if you said that in front of Capt COLLISON -- 'Lt TANAKA asked you to make out the receipts'.

A. Yes, because the Paymaster would forward the receipts to Lt TANAKA.

Q. I am asking you whether you stated the fact that Lt TANAKA asked you to make out the receipts in the presence of Capt COLLISON?

A. The Office routine was going on like this

COURT: Mr. Fujita wants to know whether you told Capt COLLISON, where you said in your statement that Lt TANAKA had asked you to make out these receipts in the presence of Lt TANAKA and Capt KATO -- that is what Defence wants you to answer -- he does not want to know the office procedure.

PROSECUTOR: Sir, I submit that this ~~xxx~~ cross-examination is on the statement made by the Court; the way that question is framed it is attempted to discredit the statement and I do not think it is relevant.

COURT: I do not think there is any objection to this -- he is simply asked whether in a previous statement he has said what he is saying in Court today. The witness has not answered the question yet.

PROSECUTOR: Presuming for a minute he did not mention TANAKA and he answers 'yes' -- the difference in his answer would discredit the statement.

COURT: That is a matter for the Court to decide -- it is permissible for the witness to make a statement to show what he is stating this for, and if it is required to clear the point, it is possible in the re-examination to have this explained.

Will the Witness answer the question by Defence.

WITNESS: No, did not. ~~xxx~~

Q. You said that about 50% of the Red Cross parcels were taken away by Col TOKUNAGA and his staff, did you witness this yourself or is this your opinion?

A. This is not my opinion -- it was openly known to everybody at the time.

Q. Did you actually witness this taking away of Red Cross parcels?

A. Yes.

Q. You said that Red Cross parcels were stored at GUN CLUB HILL and that you were working at POW Hqs. therefore how could you always see the Japanese taking away the Red Cross parcels?

A. Judging by the roadside hawkers and the amahs.

Q. Then how did you calculate the percentage?

A. The Guards told me and the staff working inside the Paymaster's Office.

Q. What sort of cigarettes were the hawkers selling?

A. SWEET CAPORAL -- Canadian cigarettes.

Q. What was the period during which the hawkers sold these cigarettes?

A. It was in 1943 and 1945.

Q. How did you know that these were Red Cross articles?

A. It was marked down 'By compliments of the Canadian Red Cross Society'.

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80TH WITNESS FOR PROSECUTION -- Mr. EUGENE KAK.

CROSS-EXAMINATION - Mr. FUJITA (Cont.)

- Q. You said that ABE and NIIMORI opened a shop, under what name was this shop opened?
 A. I do not remember the name but it was situated at the corner of AUSTIN and NATHAN Road -- at the junction of AUSTIN and NATHAN Roads.
- Q. In what year and month was this shop opened?
 A. End of 1944.
- Q. You said that some of the things sold in the shop were Red Cross tinned food, what other articles were sold in the shop.
 A. Tinned goods and cigarettes -- those were the main things.
- Q. What sort of people worked in the shop, that is, the employees of the shop?
 A. Chinese and Formosans.
- Q. How did you know that NIIMORI and ABE were running this shop?
 A. Just because I found out that there were a certain amount of Red Cross tinned goods sold in the shop so I spoke to the guards one day when they asked me to teach them Chinese and they told me that this was run by ABE and NIIMORI.
- Q. Where did these guards work -- did they work at POW Hqs?
 A. Yes.
- Q. Were these guards Japanese or Formosans?
 A. Formosans.
- Q. Could they speak English?
 A. Yes.
- Q. You said that some of the Red Cross parcels were brought to the shop in Col TOKUNAGA'S car how did you know about this fact?
 A. We used to have a chat with the drivers and amahs.
- Q. You said that mail to the POWs came one in every three months, is that correct?
 A. More or less they arrived every three or four months -- I mean to say, three months -- this depended on the shipments.
- Q. You said that an order to burn the mail was given by TOKUNAGA through ~~It~~ a Camp Commandant to NIIMORI, who was this Camp Commandant?
 A. I mean, through TANAKA to NIIMORI.
- Q. When did this happen?
 A. About the middle of 1944.
- Q. Was this order a verbal order or written order?
 A. It was a verbal order.
- Q. You just said that you did not understand Japanese then how did you
- PROSECUTOR: Sir, he said he did not speak Japanese -- he did not say anything about he did not understand the language.
- Q. Then by saying that you could not speak Japanese, if somebody spoke Japanese could you understand them?
 A. No.
- Q. You said that Col TOKUNAGA'S order was given verbally through TANAKA to NIIMORI -- how did you come to know of the order?

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69TH WITNESS FOR PROSECUTION -- Mr. EUGENE MAK.

CROSS-EXAMINATION -- Mr. FUJITA (CONT.)

- A. I used to check up the letters that were to be sent to the various camps and I was told by NIMORI that these letters for those who were in STANLEY JAIL and also the ones going away to JAPAN, and some of them which they did not want to give to the prisoners, I do not know why, they asked me to burn them as he said these were verbal instructions from TANAKA.
- Q. Then the wording of letters were limited to 50 words for letters sent to the POWs and 25 words for letters that the POWs sent, is that correct?
- A. Yes -- these were written orders from Col TOKUNAGA.
- Q. You said that the guards burnt the letters, is that correct?
- A. Yes.
- Q. Where were the letters burnt?
- A. Behind the building there is a piece of open ground.
- Q. You said that PRATA was brought to POW Hqs. what time was he brought?
- A. In the year 1944.
- Q. The time of the day approximately -- was it in the morning or at noon or during the evening?
- A. Afternoon.
- Q. Who brought him, do you know?
- A. Two guards.
- Q. When he left did you see him?
- A. He left within 15 to 20 minutes.
- Q. Who brought him out?
- A. The same guards.
- Q. Were there any other persons besides the guards?
- A. I did not see anybody else at that time, we were not supposed to look at any of these cases.
- Q. You said that many interrogations took place at 167 -- Lt. TANAKA'S house -- who carried out these interrogations?
- A. Lt TANAKA, NIMORI and HASEGAWA, INOUE and a few other NCOs.
- Q. How did you know that interrogations were being carried out there, did you see the interrogations yourself?
- A. Not with my own eyes.
- Q. The names that you just gave, do you mean that these persons were present at the time when PRATA was being interrogated or that these persons carried out interrogations at other times.
- A. Quite possible -- No I was not present.

COURT: I do not think witness has answered Mr. Fujita's question -- When you gave that list of names in reply to Mr. Fujita, do you mean you knew they were people who did conduct the interrogations at 167 ARGYLE STREET?

WITNESS: If he was not interrogated by Lt TANAKA, another officer would take up the case such as NIMORI or any other officer.

COURT: You mean if TANAKA was not there these other people who you mentioned would interrogate at 167 ARGYLE STREET instead of TANAKA but you did not know whether any of those people or which of those people interrogated PRATA, is that right?

WITNESS: Yes sir.

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39TH WITNESS FOR PROSECUTION -- Mr. EUGENE MAK.

CROSS-EXAMINATION (Cont.)

- Q. Did you personally see these other people carry out interrogations when Lt TANAKA was not present?
- A. Suppose Lt TANAKA was away taking the roll call or something like that in the Camp, or when he went to Japan with POWs, then some other officers would take his place.

COURT: Again, ~~Major PUDDICOMBE~~, -- that is not an answer to the question asked by Defence Counsel -- Mr. Fujita wants to know if Witness has ever seen any of the other officers conducting interrogations at 167 ARGYLL STREET -- did you ever see that yourself?

WITNESS: No.

- Q. You said that you were asked to write Malaria as the reason for PRATA'S death in the death report list, was this list made out in Japanese or English or Romanised Japanese?
- A. This was in English given by the Japanese clerks to me.
- Q. You mean the list?
- A. These were forms for filling in the names of persons deceased and so on; the clerks used to come to my office and ask me to type it in -- the numbers of POWs, deceased's name and the cause of death.
- Q. Then you wrote in that PRATA died of malaria?
- A. I typed it in.
- Q. I heard that you were a witness at the trial of NIMORI at No.7 Court, is that correct?
- A. Yes.
- Q. And at that time you gave evidence under oath? Is that correct?
- A. Yes.
- Q. At that time did you not state that NIMORI burnt the letters?
- A. NIMORI and the guards and also myself.
- Q. At that time did you give the name of the guard -- the name of the guard who burnt the letters?
- A. The name of the guard is HIROTA.
- Q. Did you give that name in your evidence at the trial in the Court?
- A. No.

No further questions.

CROSS-EXAMINATION -- Mr. HASEGAWA -- declined.

RE-EXAMINATION -- Major PUDDICOMBE.

- Q. About these Formosans who you spoke about, will you tell the Court who taught them to speak English?
- A. During the time I was working in POW Hqs. I was staying in one of the rooms up there and in the evening the guards used to come up to my room and ask me to teach them Chinese and English and that is how the guards picked up some English and Chinese.

No further questions.

QUESTIONS BY COURT:

- Q. Did you ever go to GUN CLUB HILL where the Red Cross parcels were stored, yourself?
- A. No sir.

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39TH WITNESS FOR PROSECUTION -- Mr. EUGENE MAK.

QUESTIONS BY COURT (Cont.)

- Q. Did you ever see any papers or documents at POW Hqs. Office referring to the total amount of Red Cross stores received by the Japanese or stored at GUN CLUB HILL?
- A. I know what amount POW Hqs. received from the International Red Cross.
- Q. Do you mean you knew the amount of stores sent by the Red Cross or more or less what the POWs received?
- A. Sent by the Red Cross.
- Q. How did you know that?
- A. Because I had to type out copies of these letters for filing.
- Q. Do you know what position at POW Hqs. TANAKA was holding when he transmitted the order to burn the mail; what was he doing at that time?
- A. He was Intelligence Officer and also acting as Adjutant.
- Q. You mean he was both Intelligence Officer and Acting Adjutant?
- A. Yes, sometimes he acted as Adjutant but mainly he was Intelligence Officer.
- Q. When Lt TANAKA was at ARGYLL STREET Camp did he act either as Intelligence Officer or Adjutant at Headquarters at the same time also that he was the Camp Commandant?
- A. He was a Camp Commandant at ARGYLL STREET for about a year.
- Q. What I mean is this -- while he was Camp Commandant did he also at that time act as Intelligence Officer?
- A. Yes, he did.
- Q. How do you know this?
- A. Because the Interpreter's office is right under the Intelligence Office.
- Q. You stated that you knew or heard that Col TOKUNAGA was behind the store opened by ABE and NIDMORI, how did you know that, on what do you base that?
- A. This is based on information from the guards -- what the guards told me.
- Q. Did you yourself ever see Red Cross goods being brought to the shop?
- A. No.
- Q. You have told the Court how this man PRATA was brought to Hqs. for interrogation; you have also told the Court later on that you were told to fill in that he had died with malaria; how long after you heard of this interrogation were you told to write down that he died of malaria?
- A. At the end of the same month. I had to make out a typed list for the Information Bureau.
- Q. About what time of the month was it that you saw PRATA -- was it at the beginning of the month or the end of the month?
- A. It seems to be in the beginning of the month.
- Q. Were you given information or did you have to put information on a card as to where a man died?
- A. No.
- Q. Or the date of his death?
- A. Yes.
- Q. And what date were you told to fill in?
- A. Usually on the 1st or 2nd of each month.

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30TH WITNESS FOR PROSECUTION -- Mr. EUGENE MAX.

QUESTIONS BY COURT (Cont.)

- Q. You mean in the form you put him down as having died on the 1st or 2nd of each month?
- A. We filled in the form of every deceased one on the 1st or 2nd of each month.
- Q. I do not want to know exactly on what day you filled in the form what we want to know is whether you put down on the form itself the date on which PRATA, or any other deceased, is alleged to have died. Did you put down the date on which PRATA was alleged to have died -- and what date was that?
- A. It seems to be the 9th.

No further questions.

COURT: Mr. Fujita are there any further questions you would like to ask arising out of the questions asked by the Court?

DEFENCE: Yes sir.

- Q. You said that some of the Formosans were able to pick up some English, could you give the names of these Formosans?
- A. Yes.
- Q. Who were they?
- A. I know their first names, anyway. ~~KOBAYASHI~~ KOBAYASHI, HIRODA and SHIROYAMA.

No further questions.

COURT: Mr. Hasegawa are there any further questions you would like to ask arising out of the questions asked by the Court.

DEFENCE: No.

COURT: Major Puddicombe are there any further questions you would like to ask arising out of the questions asked by the Court.

PROSECUTOR: No sir.

COURT: Witness may stand down.

.....
 40TH WITNESS FOR PROSECUTION -- Lt Col KERR.

EXAMINATION IN CHIEF.

Witness is sworn ⁱⁿ and questioned by the Prosecuting Officer:

- Q. Will you tell the Court your full name, rank and present employment?
- A. STANLEY ROBERT KERR; Lieut-Col., and a ~~Generalist~~ ^{journalist}. ^{rec}
- Q. What is your present appointment?
- A. Officer Commanding, War Crimes Investigation Team.
- Q. And your present station -- I do not mean HONG KONG?
- A. SINGAPORE.
- Q. I understand that you were taken a prisoner of war at the time of the capitulation to the Japanese, is that correct?
- A. That is correct.
- Q. Will you tell the Court briefly in what camp or camps you were interned?
- A. I was taken prisoner at STANLEY and then marched from STANLEY to

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40th WITNESS FOR PROSECUTION -- Lt Col KERR.

EXAMINATION IN CHIEF (Cont.)

NORTH POINT. We were at NORTH POINT until the end of January and from there transferred to SHAM SHUI PO until April when we were transferred to ARGYLL STREET. From there we returned to SHAM SHUI PO in April 1944.

PROSECUTOR: Sir I have asked Defence if I may ask a leading question.

Q. Do you speak Japanese?

A. I do.

Q. Will you tell the Court briefly your qualifications as a Japanese linguist?

A. Only due to long residence in Japan did I learn the language.

Q. What use did you make of this language when you were in the Camps?

A. When I was first taken prisoner I was the only one at STANLEY who spoke Japanese -- there were one or two civilians as well who spoke the language but so far as the Army was concerned, I was the only one who spoke Japanese. When we arrived at NORTH POINT there was another officer who joined us and we were the only two who spoke Japanese.

Q. Will you look at the dock and tell the Court if you can identify any of the Accused?

A. Do you mean if I was associated with these people -- is that what you ask?

Q. No, sir -- I am asking if you would identify any of the Accused if you can?

A. Col TOKUNAGA

Q. Where is he?

A. He is sitting in front to the left. Capt SAITO at the right hand side and Sgt HARADA -- I am not sure about the others.

PROSECUTOR: Sir, May I be permitted to ask a personal question.

Colonel, will you tell the Court if your present vision is as good as it used to be?

WITNESS: No.

PROSECUTOR: Sir, is it possible for the Witness to leave the box and approach the Accused in order to identify them.

COURT: Yes.

Witness leaves the box to identify the Accused.

WITNESS: No, I do not ^{recognize} any of the others.

PROSECUTOR: ~~Sir~~ Colonel, will you remember to confine any remarks that you make in answering questions from now on, to periods subsequent to the 24th of January 1942.

Q. Will you tell the Court what the food conditions were like briefly at SHAM SHUI PO? I refer to the time after coming back from ARGYLL STREET or the time you went to NORTH POINT; you left NORTH POINT at the end of January and were at SHAM SHUI PO for a couple of months -- what were the food conditions like at that time?

A. Appalling -- very bad indeed. There was a very small rice ration with a few beans; most people were starving at that time.

Q. Can you tell the Court of any inspections or examinations of these food conditions which the Japanese made?

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40th WITNESS FOR PROSECUTION -- Lt Col KERR.

EXAMINATION IN CHIEF (Cont.)

- A. Yes, In, I think it was February 1942, we had a Colonel ^{Rec of the Intendence, an} in attendance, an Officer of Supplies and Pay, come and inspect the Camp with Colonel TOKUNAGA. I was present as well as General MALTBY -- and they inspected the Camp. During walking around this Colonel, whose name I do not know, was asking me questions and asking about food conditions. He asked me questions about the feeding and I told him plainly what the conditions were. He turned around and spoke to a Junior Officer immediately behind and gave him instructions that the food was to improve and that we were to get more meat. Col TOKUNAGA was walking ahead of us so I do not know whether he heard; the result was within two days there was a considerable improvement; certainly more meat and fresh vegetables came in but that only lasted for two weeks when it went back to the old conditions.
- Q. On how many occasions did you see this ^{Intendence Rec} Colonel?
A. On two occasions -- once in SHAM SHUI PO and once at ARGYLL STREET but we did not have an opportunity of speaking to him at ARGYLL STREET.
- Q. How was that?
A. We were not allowed to.
- Q. To get back to SHAM SHUI PO, will you speak briefly on what you know concerning medical supplies?
A. So far as I know the only medical supplies at SHAM SHUI PO were those that had been brought in by our own medical officers. Constantly we were asking the medical orderly, Capt SAITO very seldom came to the hospital, and we were therefore constantly asking the medical orderly for medicines and hospital supplies. By saying that Capt SAITO seldom came I do not mean he never came to the Camp; he did, and whenever I had the opportunity of seeing him I would ask for lots of medical supplies, as the doctors would give me lists and details.
- Q. When you saw Capt SAITO as you have just mentioned, Colonel, and asked him for supplies what was his answer?
A. His general attitude was -- "it is very difficult, very difficult."
- Q. What was SAITO'S position in the Camp?
A. He was the Medical Officer of the Camp both at SHAM SHUI PO and ARGYLL STREET; he was also, I understand, the Medical Officer at the BOWEN ROAD Hospital. ~~and at NORTH POINT~~
- Q. And at NORTH POINT?
A. I do not know; presumably he was, but I do not like to make that as a statement.
- Q. Have you any knowledge of any other Japanese Medical Officer who had anything to do with the POWS?
A. So far as I know he was the only one.
- Q. What was the position of the Accused TOKUNAGA in the Camp?
A. He was the Colonel Commandant of all POW Camps.
- Q. Had you occasion at any time to come in contact with him?
A. Yes I did. When there were any inspections which he carried out or when entertaining friends, by looking around the POW Camp I was invariably called for and joined the procession at the back. We were never given the opportunity of making complaints direct to him, or asking for things direct to him.
- Q. In regard to medical supplies and food were the requests made at any time to Col TOKUNAGA?
A. Frequently these requests were made in messages either through the Camp Commandant at that time or in the form of letters from General MALTBY to the General Commandant.
- Q. What is your authority for that last statement, sir?

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4th WITNESS FOR PROSECUTION -- Lt Col KERR.

EXAMINATION IN CHIEF (Cont.)

- Q. By authority for that
- A. Why do you say TOKUNAGA received these requests from General MALTBY?
- A. So far as we were concerned letters were written and application made for supplies. Whether they were ever delivered, we do not know. They were handed over to Lt TANAKA or Lt HARA or whoever it was to deliver to the Camp Commandant.
- Q. Were there other requests besides written requests made to him?
- A. There were several requests -- we were always writing requests.
- Q. Were there any other requests -- you have told us about written requests?
- A. We asked many, many times -- we used to have a weekly conference with Lt TANAKA -- ~~where~~ where we made our requests and everything was written down then by him or by the interpreter who was with him or by the Sgt.
- Q. Was TOKUNAGA present at these conferences?
- A. No.
- Q. Can you tell the Court, to your own knowledge, how he received these requests -- what was the effect of these requests on him?
- A. We did not know whether he actually received these requests that were made to him but the results were always the same and we got practically nothing.
- Q. Are you speaking now of when you were at SHAM SHUI PO or ARGYLL STREET?
- A. My last statement was in connection with ARGYLL STREET, not SHAM SHUI PO.
- Q. In regard to SHAM SHUI PO when you were there had you occasion to make these requests directly to Col TOKUNAGA on the occasions which you have mentioned.
- A. On several occasions when we first arrived we did make application direct to Col TOKUNAGA and through General MALTBY making requests through me to Col TOKUNAGA and his Staff.
- Q. What was the answer to these requests?
- A. Sometimes a promise that he would do something about it or sometimes a statement that he could not or would not.
- Q. Referring to ARGYLL STREET, who was the Japanese Camp Commandant of ARGYLL STREET?
- A. The first Camp Commandant was Lt SANATORI, the next Lt TANAKA and then Lt HARA and then Lt TANAKA came back to us.
- Q. What was the nature of his position as Camp Commandant?
- A. He came sometimes to roll calls; sometimes inspected the camp periodically and then again as I say, came to these mid-week conferences, but I would say his job was to look us over; ^{RCL} and he had very little power; reference had to be made to senior officers, and presumably this was to Col TOKUNAGA.

RCL

The Court is adjourned for five minutes recess at 1134h
The Col re-appears at 1135h RCL

- Q. Now, sir, you were speaking of TANAKA'S position in the Camp, what would you say his disciplinary responsibilities were over the guards?
- A. He seemed to have no control over the guards; the guards would do things, slappings and beatings even with him there and they would not stop; he seemed to have no control over the guards at all.
- Q. Colonel, I do not think I made myself quite clear; to your knowledge what was his responsibility in regard to discipline over the guards?
- A. His attitude was that he had no responsibility over the guards.

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44th WITNESS FOR PROSECUTION -- Lt Col KERR.

EXAMINATION IN CHIEF (Cont.)

- Q. In the matter of air raids will you tell the Court what the condition of affairs were during and after air raids?
- A. The guards used to get very very excited and there was always a lot of trouble during air raids -- we had to get into our hut and sit on the floor or we had to ~~stay~~ sit on our beds; they were always very excited and things were very difficult. On many occasions there were beatings and slappings because a sentry would stand and yell at a POW who would not understand what was said to him, but they would still slap and beat the men up. On one occasion, after several very severe beatings-up, due to the excitement over an air raid we made strong protests to Lt TANAKA after which he allowed two interpreters to stay outside the hut during an air raid. I remember one air raid, in the middle of 1943; it was a night raid, at about 9 o'clock when there was a great deal of excitement; on that occasion I had my face slapped by one of the sentries and there were several other slappings; some were even bayoneted; not severe wounds, but still they were bayoneted.
- Q. Generally what was the reason for this slapping and bayonetting on the occasions of which you speak?
- A. The slappings were not only confined to air raids; they used to take place day after day but they did get very nervous and very excited during an air raid.
- Q. What was the object of the slapping; was it punitive or directive or what?
- A. This usually resulted because one of the sentries would give an order to a man in Japanese, who could not understand and, therefore, would not carry it out and because he could not understand he would beat him up. There were occasions when there was no real cause for slapping but they would go on slapping and beating people up.
- Q. Returning to Lt TANAKA for a moment, what representations or requests were made to him respecting the conditions in the camp?
- A. We would prepare long lists of requests; the things we needed and various small requests, and those were given to him either at the Conference or after roll call parade.
- Q. What result did these requests have?
- A. Very very seldom were they fulfilled.
- Q. Can you tell the Court anything about illnesses in ARGYLL STREET?
- A. There were a number of people sick with beré-beri, pellagra and other illnesses; but we also had a number of cases of duodenal ulcers which required operation?
- In the case of operations we made application at once, through the guard, who telephoned down, presumably to Capt SAITO and on several occasions he did allow a party to go down to the Indian Hospital, about a quarter of a mile away, but he would not allow extra bearers to the stretchers.
- Q. Am I to understand that in the case of these ulcers - this necessitated an operation -- and you would ask a guard to telephone to have the patient removed?
- A. Yes - in the case of an operation we would prefer to have the patient removed to BOWEN ROAD Hospital. Our doctors would have to perform the operation. Capt SAITO would only allow four people to carry a patient out, three of whom would be the orderlies and one doctor who would have to perform the operation. To carry a stretcher case out and then have to perform the operation was not exactly the right thing. We would very often make representations to Capt SAITO but he would never allow extra men to carry the stretchers.
- Q. You say many representations were made, who actually made them and in what manner?
- A. It would be made at times on his occasional visits to the hospital.

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40TH WITNESS FOR PROSECUTION -- Lt Col KERR.

EXAMINATION IN CHIEF (Cont.)

- Q. Who made them and how?
 A. I would, on the request of General MALBY, or the Senior Officer, after General MALBY left; and the medical officer too.
- Q. Your request would be that they should be removed to hospital?
 A. Yes, or if the operation should take place at the Indian Hospital, that we could get others to carry the patient down.
- Q. What was SAITO'S response to requests to removal duodenal ulcer cases to BOWEN ROAD Hospital?
 A. He refused; on one occasion he even refused to allow a patient to be removed to the Indian Hospital and the operation had to be performed on a wooden bed in one corner of the hut which we used as a hospital.
- Q. When you say he refused to remove these duodenal cases; do you want the Court to understand that this was invariable?
 A. No, I would say on one occasion in particular he definitely refused to have the man removed to the hospital; that was at night.
- Q. Will you tell the Court how you know that he refused on this occasion?
 A. On that occasion, first the guard telephoned to the office and he could get no response so I got hold of the Interpreter down there myself and spoke to him about it. When I saw the interpreter the next day he told me that Capt SAITO was drunk.
- Q. Do you recall a man called AUSTIN?
 A. Yes, I do.
- Q. What have you got to tell the Court with respect to AUSTIN?
 A. He, I think, was the first duodenal ulcer case which we had in ARGYLL STREET. It was after some considerable time that we were allowed to take him down to the Indian Hospital for the operation.
- Q. Do you recall to whom you spoke with respect to AUSTIN'S condition?
 A. I think it was MATSUDA.
- Q. Who was MATSUDA?
 A. MATSUDA was an interpreter on the Japanese staff.
- Q. Will you tell the Court what you have to say with respect to the Red Cross representatives?
 A. Red Cross representatives visited the Camp about once every six months; we were never allowed to speak to them or give them any letters or anything at all. And in every case before the Red Cross representative arrived I would be instructed by one of the Japanese that if the Red Cross Representative asked a question, I should translate it into Japanese and ask what reply I should make. The Red Cross representative seldom asked any questions. The visit of the Red Cross Representative lasted for about five minutes;; he was taken around by Col TOKUNAGA himself; walked quickly around the camp and out again.
- Q. Do you know anything concerning a man called BARNETT?
 A. It was on the occasion of a Red Cross visit that Lt BARNETT called out to the Red Cross Representative, Mr. ZINDEL, as he went by; he said, we need more food we are starving -- or words to that effect as I do not remember the actual wording.
- Q. Where were you at that time?
 A. I was in my hut then -- No.3 hut -- and he was in No.1 hut -- we all had to stand beside our beds.
- Q. On that occasion you did not actually see the incident?
 A. I did not see that incident -- I saw part of a subsequent incident.
- Q. You saw part of the incident?
 A. Yes I saw part of the beating up -- it was such a disgusting affair and

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40TH WITNESS FOR PROSECUTION -- Lt COL KERA.

EXAMINATION IN CHIEF (Cont.)

we could do nothing to help, so I walked away.

Q. Are you able to say who did the beating up?

A. Yes, Sgt HARADA.

Q. Respecting Red Cross parcels, can you tell the Court anything regarding their disposal by the Japanese?

A. The only thing I can say is that we saw evidence of empty tins thrown out at the back of Hqs., which were very obviously Red Cross supplies. My reason for that statement is that we found tins which were dated 1942 and, therefore, could not have been imported but would have been brought in in Red Cross supplies.

Q. You say that these were thrown at the rear of FORFAR STREET Hqs., and that they had markings of 1942 on them, when did you see these tins?

A. We had to send working parties down to clean up the ground behind Hqs. at FORFAR STREET and that was when they were seen, and in fact, several of them were brought into the camp as evidence.

Q. I will show you now Exhibit H(4) which is a folio of 8 photographs, will you look at the pictures and tell the Court if you can identify any of the buildings?

A. Japanese Hqs. FORFAR STREET (photograph No.6) and photograph No.7 is the front entrance to the same building.

Q. No.7 is the front -- in that case is No.6 the rear?

A. Yes -- it was on this ground here behind that they used to throw the tins. (witness indicates the ground). I do not recognise any other pictures.

No further questions.

CROSS-EXAMINATION -- Mr. FUJITA.

Attendance Rec

Q. You said that an ~~attendance~~ Colonel visited the Camp, what relation did he have with POW Camps?

A. So far as I know he was on an inspection with Col TOKUNAGA.

Q. Do you know whether he had any relation with the Camps or not; whether he was a member of the Staff?

A. No, I take it he was a member of the General Officer Commanding Staff and was on an inspection.

Q. You said that you saw some empty tins in the back of Hqs. with the date 1942 on them -- when did you see these cans?

A. It would have been in 1943.

No further questions.

CROSS-EXAMINATION -- Mr. HASEGAWA.

to ask

Q. I want you about AUSTIN'S operation -- did it take place a long time after you spoke to MATSUDA?

A. It would have been about three hours later.

No further questions.

RE-EXAMINATION -- declined.

QUESTIONS BY COURT.

Q. You stated in your evidence that Lt TANAKA appeared to have no control over the guards; you then said a bit later his attitude was he was not responsible for them. From your observation, who had command over these guards?

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40TH WITNESS FOR PROSECUTION -- Lt Col KERR.

QUESTIONS BY COURT (Cont.)

- A. They seemed to be under the control or command of an officer at Hqs. whom we never saw -- they were entirely independent.
- Q. From what you have seen of the Imperial Japanese Army in peacetime, if you did see anything of them during the time you were in Japan; and even during the war; what would you say were the standards of discipline between an officer in the Japanese Army and a N.C.O. *and an ordinary private?*
- A. I would say that until six months before the end of the war, the standard of discipline was exactly the same as it had been before the war, and very good.
- Q. Did you see Lt TANAKA ever giving orders to these camp guards during your time in the ordinary way?
- A. No, no particular orders at all -- I cannot remember any occasion when he ever did give orders with the exception of a 'stand to attention' and so on.
- Q. No military order?
- A. No military order at all.
- On one occasion, after two or three of the sentries had done a lot of beating up the night before, we had a meeting with TANAKA -- General MALBY -- and the Commander -- and had these sentries brought in -- even then TANAKA could do nothing with them but he promised that he would report them to his Headquarters.
- Q. Did you ever see a Japanese guard disregard or disobey an order given by Lt TANAKA?
- A. No.
- Q. Is it a fact that sometimes POWs were struck and illtreated by the Guards in Lt TANAKA'S presence although he had not personally given an order for them to be struck?
- A. Yes, this is true.
- Q. With regard to air raids you have told the Court that you were ordered to remain in your huts -- do you know by whose order this was?
- A. We understood that it was from Japanese Hqs.
- Q. From your knowledge of the weapons of warfare, what would have been the effect of a bomb landing within a few yards of these huts -- I do not mean if they got a direct hit -- but if a bomb were to land a short distance away?
- A. They were only wooden huts and I am afraid the damage would have been tremendous.
- Q. The damage to the hut?
- A. To the hut and the people that were in them.
- Q. From your knowledge of the Camp and the area around, would it have been possible to have sheltered trenches dug had you been permitted to do so?
- A. There would not have been sufficient space for air raid shelters to accommodate all the people in the camp. The Camp itself was about 100 yards square, approximately.
- Q. What about at SHAN SHUI PO?
- A. At SHAN SHUI PO -- they could have made air raid shelters there.
- Q. And to your knowledge were requests made to Col TOKUNAGA or any other Japanese for permission to build air raid shelters?
- A. We did make that request in ARGYLL STREET -- I think it was to Lt HARA who was the then Commandant.
- Q. And did he give you an answer on his own or did he refer it to higher authorities?

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40TH WITNESS FOR PROSECUTION -- Lt Col KERR.

QUESTIONS BY COURT (Cont.)

- A. He said he would refer it to higher authorities.
- Q. Do you know if a similar request was made at SHAM SHUI PO when you were there?
- A. A request was made in SHAM SHUI PO but I had nothing to do with that particular request -- I was in hospital.
- Q. What were the results of these requests?
- A. We were not allowed to build the shelters.
- Q. When this Japanese ^{Intendant} ~~Attendance~~-Officer came around, you described how he turned around and spoke to another officer, was that officer on his staff or one of the Camp staff?
- A. His staff.

COURT: Mr. Fujita, are there any further questions you would like to ask?

DEFENCE: Yes.

- Q. You said that a request was made for permission to dig shelters at SHAM SHUI PO Camp, at that time how many POWs were accommodated in the Camp.
- A. In the Officers Camp there were about 500.
- Q. And how many POWs in the other part?
- A. I do not know the number at that time.

No further questions.

COURT: Mr. Hasegawa, are there any further questions you would like to ask?

DEFENCE: No.

COURT: Major Puddicombe are there any further questions you would like to ask?

PROSECUTOR: Yes sir.

- Q. In speaking of the guards and Lt TANAKA'S disciplinary control over them you said that they were independent and were under the control of an officer in Hqs. - to which Hqs. do you refer?
- A. Japanese Hqs. at FORFAR STREET.
- Q. And what was the name of that ~~Office~~ Headquarters -- for the record?
- A. Col. TOKUNAGA'S Hqs. for POW Camps.
- Q. Have you any knowledge of what control was exercised from that Hqs. with regard to discipline of the guards?
- A. I have none.
- Q. What other Officer or W.O. or N.C.O. would be in Camp besides the Camp Commandant at one time?
- A. Apart from the guard, there would be the Camp Commandant, Sgt. Harada and one interpreter -- who sometimes would appear in the camp but would generally attend the roll call. Generally speaking the Camp Commandant was the senior officer in the Camp.
- Q. One more question on air raid shelters -- what shelters were there at ARGYLL STREET for the guards?
- A. None -- they had none.

COURT: The Court is adjourned until 1400 hours.

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23RD DAY'S Proceedings.

23.12.46 P.M.

At 1400 hrs. on 23 December, the Court re-assembled, pursuant to adjournment; present the same Members as at adjournment.

42ND WITNESS: MR. G.A.V. HALL - Mr. G.A.V. HALL.

On being sworn is examined by the Prosecutor.

COURT: In respect to which charge is Mr. HALL in Court?
He does not appear on this list of witnesses.

PROSECUTOR: It should be under the 9th charge. I gave notice after this trial started and this was complied before the second phase of the trial started.

- Q. Will you tell the Court your full name?
A. George Albert Victor HALL.
- Q. You are an architect employed by the FWD HQ at FORT
A. For the time being.
- Q. Your nationality is British and you were born in FORT
A. Yes.
- Q. At present you reside at No. 1 RUSSELL Street, 2nd Floor.
A. Yes.
- Q. I understand you were taken prisoner of war when the Japanese occupied the Colony in 1941?
A. That is correct.
- Q. Will you tell the Court briefly where you were interned during your imprisonment?
A. From SALLY we were marched out to North Point refugee camp on 30 December, 1941. We stayed there until 23 January, 1942 when we were moved over to SHAN SHUI PO and I was there until the Japanese surrender in August last year.
- Q. Will you tell the Court what you were occupied in during the time you were at SHAN SHUI PO?
A. I was sent out on practically all the working parties, at KAI TAK Aerodrome, ABERDEEN, LAI KAI Forts, CHAI KAI, digging tunnels in KOWLOON. In about August 1945, I think, I was asked to attend to the Camp Commandant's garden attached to the Camp Commandant's office.
- Q. Just where was that garden?
A. It was on the south side of the main road near the camp office.
- Q. You remember that none of us knew anything about SHAN SHUI PO so when you say it was near the camp office it gives us no impression of the facts. Will you tell the Court where this garden was?
A. As you enter the camp through the main gate on the left-hand side there used to be, or maybe still is, a hard tennis court. Just to the west of that is the camp office with a covered porch and in that place is the little garden where I used to try to grow - to make it into a flower garden.
- Q. You were then in the garden near the main gate?
A. On the north side of the road there is the station platform and a little square building which used to be the store.

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Mr. HALL.

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- Q. What were in the stores?
- A. They did not use anything there.
- Q. What was behind the ablaton rooms?
- A. An empty space and to the north side of it was what we called bath house.
- Q. What was this bath house used for?
- A. The Japanese military authorities built in there two Japanese-type hot baths, one for the officers and one for the men and can I add that these were seldom used because of the lack of firewood. There were two other rooms or rather Chinese tenement houses attached to these bath houses and they were used from time to time for storage of Red Cross parcels that were taken to camp before they were distributed.
- Q. About these Red Cross parcels that were stored in the building close to your garden ...
- A. On the opposite side of the road.
- Q. What other things were in the store?
- A. Towards the latter part of February 1945 the Canadian personal parcels were stored there as well.
- Q. What have you to tell the Court about these personal parcels of the Canadians?
- A. They were stored in these two adjacent houses for quite some time before they were distributed to the Canadian officers and men who were left behind in our camp and prior to their distribution. I think, Lt. WADA was Camp Commandant, and the camp Sgt. Major went through the parcels first and then they came out there were two, I believe Formosa, sentries who each had a parcel. They took it to COLTADA's car and placed them in the car. The Camp Commandant and the Sgt. Major each had a smaller parcel under their own arms.
- Q. Who was COLTADA?
- A. Do you want me to point him out?
- Q. I want you to tell us who he was.
- A. He was the Commander in Chief of all POW camps in HONG KONG.
- Q. Will you point him out?
- A. The one sitting next to the gate of the dock.
- Q. Can you identify any of the other Accused?
- A. The Interpreter TSUTADA and Dr. SAITO.
- Q. Which is which?
- A. On the extreme left is TSUTADA and on the extreme right is SAITO.
- Q. Now did you come to know that these parcels were removed and taken to Col. COLTADA's car?
- A. I saw it myself.
- Q. At what time was this?
- A. March 1945.
- Q. For example, was there any tracks elsewhere on the island than at SUI SUI?
- A. No, I think there were all in SUI SUI at that time.

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Mr. HALL.

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- Q. Can you describe that car?
- A. One of these Aichi colored sedans, a quite large car and the chauffeur who used to drive it in pre-war days was the mechanic driver, chauffeur of Aichi Motors. Now I know him was I used to be a client of Aichi Motors and often he used to attend to my car.
- Q. How would it be apparent that that was Col. POWELL's car?
- A. Working in the garden there. I have frequently seen him come in an old car parked under the porch and wait until he would finish whatever he was doing until he left.
- Q. Presuming you saw that car elsewhere, how could you have said it was Col. POWELL's car?
- A. I would not know unless he was in himself.
- Q. Will you tell the Court what you know concerning the treatment of Chinese civilians by the POW camp guards? Please do not mention any occurrence that took place before 24 January 1942.
- A. I cannot say whether it was before or after 24 January, but it was in the early days of the camp. I did not get there until 23rd January and in February or March there was one incident when a Japanese sentry shot a young woman off the west wall of the camp. She was leaning against a low tide. I was with another POW detainee along there. We heard one shot fired and this woman fell down and another, point blank; there was a little boy with her and this boy screamed. There was another incident of a Chinese of the laborer class brought into camp with his hands tied behind his back.
- Q. What was he brought by?
- A. Japanese sentries. He was taken out to what was called "Bamboo Pier", bayoneted, pushed over and then shot, in the water.
- Q. When was that?
- A. That was in the early days when we had the Japanese sentries before the Formosans came.
- Q. Can you say what the treatment of Chinese civilians was like by camp guards during the years 1942 and 1944?
- A. On numerous occasions we were formed up on the main road for our musters when we were counted and saw tied outside the camp against the west standards or telegraph standards either upon or Chinese and quite often we saw them there again next morning.
- Q. What was tied there, to what were they tied?
- A. Since we did not actually see them being tied or untied it could have been the Japanese immediately outside, or the underground police, the SHAN police station, or quite possibly, the camp guards.
- Q. Will you tell the Court in regard to training parties at LAI TAN Aerodrome what type of work did you do there?
- A. We were told to develop the airfield. Very old Chinese villages, level them all down, fill in hollows in the valleys and then we were sent in cutting to the shore with which, according to the Japanese, was "covered" hill, leveling it to form the extension to LAI TAN Aerodrome.
- Q. What did you use for air craft?
- A. During the time of our internment it was for a long time.
- Q. What type of air craft?
- A. Mostly Japanese fighters.

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Mr. HALL.

- Q. What was there beside the fighters?
- A. In the early days we did not see any others besides fighters.
- Q. In regard to ABERDEEN, what did you do there?
- A. It was mostly in transporting series bombs up to 250 miles from the towns in BRICK HILL and nearby to the ROC wharf at ABERDEEN where they were all stacked waiting for transportation during the night.
- Q. What did you do at LAI CHI LO?
- A. After the bombing of LAI CHI LO in September 1943, the next year, in 1944, the working parties were detailed there to clean up the debris and after we had cleaned up debris, there were one large and two small tanks unexploded and we had to fill up drums. I think there were 50 gallon drums.
- Q. What did you fill them with?
- A. They were filling them with gasoline.
- Q. What did you do at CHI LO?
- A. At the TENG installation opposite to CHI LO we did similar work filling drums with gasoline and loading them to lorries. On the last occasion we were there the Americans came over and bombed us; luckily they did not hit us.
- Q. What did you do at CHI LO?
- A. We used to dig these tunnels from 6 am to 8 pm in two shifts, making tunnels on the slope of the hill that goes up to the boys' school.
- Q. What do you have to say about the digging of tunnels?
- A. Those tunnels in particular I built and we had one of the Jap NCOs in charge. They were very dangerous because it was not natural ground; it was the filling and we were just told to dig. They were very low. Whilst we were digging these tunnels from time to time there used to be collapses and they were propped up very unsatisfactorily. There were about 4 or 5 tunnel entrances and it was not indicated inside. One morning when we got out to relieve the Chinese working party the labourers that worked from 8 pm to 8 am, we found one tunnel entrance absolutely covered up with a slip that came right over it and we were told that some of the Chinese labourers were inside.
- Q. You say Chinese were caught, what about the POWs?
- A. We did not work during the night; we only worked during the day-time. Even during the day-time sometimes there were caving-ins inside the tunnels, and we had to find our way out by the communicating tunnels to get out. We had to work in all weathers, whether it was raining or otherwise.
- Q. You say sometimes you had to find other ways out, is that correct?
- A. Yes.
- Q. Why did you have to find your way out?
- A. For instance in those particular tunnels at that time it was during the rainy season. After the water trickles it loosens the soil inside and collapses the tunnel entrances.
- Q. You had to find your way out because the tunnel collapsed at the other end, is that right?
- A. Yes.

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Mr. FALL.

- Q. What effect did these collapses have on the POWs? Were any of them injured in any way or were they all safe?
- A. As far as I know we did not suffer physical injuries but it was the mental thought of the liability of being entombed inside at any time.
- Q. When did these working parties cease?
- A. Our last working party was on 15 August, 1945.
- Q. Have you anything to say in respect of collective punishments?
- A. There was one day when the whole camp was taken out to the main playground directly after the morning muster at 8.30. We were not dismissed until 5.45 in the afternoon. During that time we found out later on that all our huts had been searched. We found all our things disarranged and we were kept in that ground for 9 1/2 hours without anything to eat, in the hot, broiling sun. About the middle of April 1942 after the escape of 3 officers and one LCO in the 11th Volunteers, the very next day all outside parcels were stopped, the canteen was stopped and our food rations cut down to a bare minimum. About the end of July, parcels were allowed for about 2 weeks and they were stopped again. We did not get any parcels from outside until the beginning of December, 1942. It was in that summer of 1942 when the camp suffered most from malnutrition, beri-beri, pellagra and all those and there were so many deaths during August it was so depressing to the camp that we had to stop blowing the ~~last~~ **last** ~~note~~ **note**. On every occasion after someone escaped from the camp we had our rations cut down and were mustered out on the playground for 2 or 3 hours. Once we were there from half past two until half past four in the morning in the rain, and again directly after our morning meal we were taken out for another 4 1/2 hours.

CROSS EXAMINATION:

- Q. Was this bathroom for the POWs?
- A. Yes.
- Q. You said that some Red Cross parcels were stored in Chinese hooters near the garden. Were these parcels stored by the Japanese?
- A. Yes, it was stored there for distribution to the POWs but whilst they were stored there, they were under the control of TORUAKI.
- Q. You said that Col. TORUAKI and Lt. WADA and a Sgt. Major examined these parcels. At that time was there somebody from the POW side present?
- A. No, we were watching outside; we were not allowed inside.
- Q. You mean that the POWs were watching from outside?
- A. Yes, in the grounds outside.
- Q. You said these parcels were for the Canadians, were they addressed personally to the Canadians?
- A. Yes.
- Q. You said that when the guard shot a Chinese girl picking snails, a small boy with her, you were within the rly. Where were you standing at that time?
- A. Near the camp wall on the west side of the camp.
- Q. Is the wall was the boundary of the camp you were ~~xxx~~ inside of the compound of the camp or outside?
- A. Inside, I mean the barbed wire wall, not a brick one.

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Mr. HALL.

- Q. Was there not a boundary between the shore and the camp?
 A. That is the sea wall.
- Q. Was it possible to go easily to the sea wall from the bounds of the camp?
 A. Yes.
- Q. Was not there a sort of fence to prevent POWs from going to the shore?
 A. There was a barbed wire fence.
- Q. Could you tell me where this Bamboo Pier was situated?
 A. Southwest corner of the camp facing Stone Cutters Island.
- Q. Was the small Chinese girl hit by the bullets?
 A. Yes.
- Q. Where was she hit, do you know?
 A. The first shot hit her in the head, the second ⁱⁿ the chest.
- Q. Was there a gendarme office near the camp?
 A. I believe there was one in SHAN SHUI PO Police Station.

Re-examination declined.

QUESTIONED BY THE COURT:

- Q. As regards these Canadian personal parcels, did you see any of the parcels opened by their owners in the camp?
 A. By the Canadian officers after they were distributed, yes.
- Q. What sort of goods were in these parcels?
 A. Toilet goods, cigarettes, chocolates and underwear.
- Q. Did you ever hear or hear read out or mentioned a list of prohibited articles which were not allowed to be sent into the camp?
 A. Not read out exactly but instances occurred where our friends sent parcels to us; there were things like garden tools; and at the beginning cigarettes were allowed but eventually they were stopped. Rubber goods and tools were crossed out of the parcels that were sent in to us.
- Q. You have described to the Court how you saw two Formosan sentries taking away parcels from that store. Can you give the Court any idea how much these parcels ~~xxxxx~~ contained, how large they were?
 A. I would say about 2 feet long by about 1 ft. 6 ins. wide and high.
- Q. You have described Col. LORUMAGI's car. Did it carry any mark or badge or emblem to show that it was any particular person's car?
 A. It flew a flag on the bonnet, I think yellow.

(No more questions by the Defense or Prosecution ^{all})The Court goes into temporary recess ^{at 11:30 by all}

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Mr. BETHUN.

The Court re-assembles at 1135 to RCL

43.D. ITL 685 FOR THE PROSECUTION - Mr. E. BETHUN.

On being sworn is examined by the Prosecutor.

Q. Will you tell the Court your full name?
A. Edward Albert Robert LETHBRIDGE.Q. I understand you were one of the ITL 685 men in the POW camp?
A. Yes.Q. You are of British nationality, born in LONDON, England?
A. Yes.Q. Present address 62 LINDSAY ROAD, HILLYARD?
A. Yes.

Q. Will you tell the Court what you know of the treatment of Chinese civilians by the guards at SHAN SHUI POW camp? Please start by stating how you came to be in SHAN SHUI POW.

A. I was taken POW on 25 December, 1941, and eventually transferred to SHAN SHUI POW camp on or about 31 December.

Q. How long were you there?

A. From 31 December until 15 December 1943 when I was transferred to JAPAN.

Q. Will you tell the Court regarding the Chinese civilians, how they were ill-treated by camp guards and confine your remarks to the period subsequent to 24 January 1942.

A. When the Japanese guard room was situated outside the perimeter of the camp the POWs during their walks round the camp could always see what was happening at the guard room. On numerous occasions we saw Chinese civilians brought into the guard room compound where they were bound, by their hands behind their backs, made to kneel and had tin cans, pails and 4-gallon aerosene tins put over their heads. These people were kept in that position for indefinite periods of time and quite often when they were being released they would be drenched with cold water by the guards.

Q. When you say "on various occasions" can you indicate to the Court how frequently this happened?
A. Almost daily.

Q. For what period of time?

A. From the time when the guard room was situated outside the perimeter to the time when the guard room was moved inside the main gate of SHAN SHUI POW barracks.

Q. Can you say when the guard room was moved in?

A. I could not give a definite date, but somewhere late in 1942.

Q. Would it be summer, fall or early winter?

A. From memory I would say it would be about August 1942.

Cross-Examination declined.

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Mr. LENTON.

QUESTIONS BY THE COURT:

- Q. Do you know for what reason the guard house removed from outside to inside?
- A. I have no idea.
- Q. Do you know whether these Chinese you saw ill-treated had anything to do with the POWs in any way?
- A. To my personal knowledge, nothing whatsoever.
- Q. Was there any reason apparent why these people should have been treated like that?
- A. None at all.
- Q. To your knowledge has ill-treatment of this kind ever happen when any Japanese senior officers were on the spot?
- A. Visiting the camp?
- Q. Yes.
- A. No, to my knowledge it did not happen. In extension I might say that when high-ranking Japanese officer, such as Col. SCURAGI was visiting the camp, efforts were made within the camp and probably outside the perimeter to see that everything was in what we call "apple pie" order.

QUESTIONS PUT THROUGH THE COURT: Mr. FUSLER Q.

- DEFENCE: Do you mean that the POWs tried to make things look like that?
- A. We were given orders by the camp staff to make things look that way.
- DEFENCE: Do you mean the Japanese staff or the POW staff?
- A. Japanese.
No question by Mr. KASEBANA REC.
- PROSECUTOR: During the time you saw these things going on, were there any Japanese officers or PCOs in the camp?
- A. It is hard for me to say whether there were officers or NCOs inside or not. Generally, they did not circulate around the camp. If they had any business at all they would go to Major BOCK's office.
- PROSECUTOR: Do you know who the Camp Commandant was during this time of 1942?
- A. I believe his name was Lt. TATAIA.
- PROSECUTOR: Do you know where he is now?
- A. I do not.
- PROSECUTOR: How frequently was he in camp during this period?
- A. Lt. TATAIA lived in a house just outside the perimeter of the camp and he used to come in occasionally on morning and evening roll-calls.
- PROSECUTOR: Was his house within sight of the occurrences of which you have told us, tying up and so on of the Chinese?
- A. Yes, I would say that from certain points of his house he could see the guard room, but whether he could see the Chinese civilians being ill-treated or not I could not say. More often than not these Chinese prisoners were ~~taken~~ at the back of the guard room. The front of the guard room faces Lt. TATAIA's house.
- COURT: Did you ever see any Chinese civilians ill-treated in the Camp Commandant's presence?
- A. No.

No further questions REC.

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WITNESS FOR THE PROSECUTION - NIIMORI Genichiro.

On being sworn is examined by the Prosecutor.

- Q. Your name is NIIMORI Genichiro?
A. Yes.
- Q. Presently serving a sentence of a War Crimes Court in STIRLEY Gaol, HONG KONG?
A. Yes.
- Q. During the war you were a civilian interpreter attached to the Japanese army?
A. Yes.
- Q. Can you tell the Court what you know about 4 Canadians who escaped from North Point camp in 1942?
A. Yes, 4 Canadians were brought to the HQ of the HONG KONG POW camp HQ.
- Q. Where was this POW HQ?
A. ANG-YIA Street and NORTH Road, KOWLOON.
- Q. What were you doing there?
A. I was the Interpreter in HQ.
- Q. What did you see?
A. These 4 Canadians were brought to HQ, I do not know whether morning or afternoon, I forget. I was called by Capt. KURATA to interpret.
- Q. Tell us first where the Canadians were.
A. Top floor of the HQ, the room was one side a dining room and the other a parlour, a big hall.
- Q. When you came up the stairs in which direction was the room?
A. Coming from the front door to get up to the room would be the right hand side.
- Q. Who was there at the interrogation?
A. Capt. KURATA and 4 Canadians.
- Q. Who else?
A. That is all I remember.
- Q. Were there any others there besides KURATA?
A. I do not remember.
- Q. How long were they there?
A. I do not think any more than 5 minutes.
- Q. Where did they go from there?
A. I understood they were taken to the gendarmery.
- Q. What was the purpose of taking them to the gendarmery?
A. I am not sure but I think it was to question more than what I asked.
- Q. Do you know anything further about them?
A. That is all I know.
- Q. Come, come, tell the Court what else you know.
A. At the time that is all I know, but I heard afterwards...
- Q. Please tell the Court what you know.
A. I understood afterwards they were shot.

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MIMORI Genichiro.

- Q. Where were they shot?
 A. That I do not know.
- Q. Do you remember last June, I am speaking of 1940.
 A. Yes.
- Q. Now, do you remember where they were shot?
 A. I had been told at ILMC'S Park.
- Q. What was the circumstance of your being told?
 A. I was taken to look for their bodies.
- Q. Who else was there?
 A. Col. TOMUNAGA, Lt. TANAKA and Dr. SAITO.

COURT: By whom were you taken to look for their bodies?
 A. (indicating Maj. PUDDICK) By this Major.

- Q. Did you find bodies?
 A. We found quite a few bodies but I do not know whether they were their bodies or not.
- Q. Who pointed out the place where these bodies were?
 A. Dr. SAITO.

CROSS EXAMINATION.

- Q. The room where the POWs were interrogated, how many entrances did it have?
 A. One from the front door from the stairway, another door to come in by the servants.

RE-EXAMINATION.

- Q. You just said there was one door that came from the stairway, another for the servants. Was that all the doors there were in that room?
 A. To come in that room, yes.
- Q. I am not asking what you do with the doors. How many doors were in that room?
 A. Coming from the stairway, coming down for the servants, another one room, a separate room, and another for the corridor.

QUESTIONS BY THE COURT:

- Q. Where did the door for the servants lead to?
 A. That is as you turn to the right, on the right hand side it would be the servants door.
- Q. If you went out of the room where the interrogation was and went through the door, what would you find when you got there?
 A.: A little sink to wash dishes and so forth.
- Q. If you stood at the door of a little room where the sink was and look straight across the room of the interrogation, what would you see on the other side of the room?
 A. If you peep through you could see...

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MILITARY Gen. eniro.

- Q. If you stood by the door leading to the servants' room and looked across the room where the interrogation took place, what would you see?
- A. The window towards the street.
- Q. Now did you find out that these 4 men you saw were Canadians?
- A. They had Canadian uniforms.
- Q. How does a Canadian uniform differ from a British uniform?
- A. I do not know much difference, but it is marked "Canada" on the shoulder.
- Q. Do you remember anything about the appearance of the men you could remember? Anything special you noticed?
- A. I do not remember the faces.
- Q. Did you notice any badges of rank?
- A. No.

QUESTIONS PUT THROUGH THE COURT:

DEFENCE: When you were tried were you charged with these incidents?

A. Yes.

DEFENCE: What was the result of your trial?

A. I think this was not guilty.

(No more questions).

PROSECUTOR: I have no more witnesses this afternoon. I will now read Exhibit G(4) the affidavit of Miss LOO AH DIN.

(Affidavit of Miss LOO AH DIN read by Prosecutor.)

COURT: That concludes all your affidavits except that of Mr. ZHIDELL?

PROSECUTOR: Yes.

COURT: How many more live witnesses have you to call?

PROSECUTOR: Exclusive of RANCE, who is still in Japan for all the information I have - in the event of his not being here in time I shall ask to be allowed to read his affidavit. Exclusive of RANCE I think there are seven.

At 1600 hrs. the Court adjourns until 1000 hrs. on Tuesday 24 December, 1946.

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1000 hours.

TWENTYTHIRD DAYS' proceedings of the trial of Col TOKUNAGA ISAO; Capt SAITO SHUNKICHI, Lieut. TANAKA HITOSHI, TSUTADA ITSUO (Interpreter), and Sgt. HARADA JOTARO, Held at HONG KONG on the 24th December 1946.

(Held at Jardine Matheson's East Point Godown).

File Cont no. 1000 to RCL

45TH WITNESS FOR PROSECUTION -- Major LIGHTBODY.

EXAMINATION IN CHIEF.

RCL

Witness is sworn in and questioned by the Prosecuting Officer:

Q. What is your name?

A. DOUGLAS LIGHTBODY?

Q. I understand you are a Major in the Royal Artillery?

A. Yes.

Q. Will you tell the Court your present appointment?

A. Deputy Assistant Director, Graves ~~xxx~~ Registration and Enquiries.

Q. Major, will you produce the document you have in your possession regarding graves here in the colony.

(Witness produces document).

PROSECUTOR: Sir I think it will be better to have witness explain what this document is.

Q. To the best of your knowledge, what is the document which you are holding in your hand?

A. It is a Cemetery Register of ARGYLL STREET Cemetery -- it has the deaths listed of all POWs who died and were buried at ARGYLL STREET.

Q. Are you able to say under whose auspices was that register drawn up?

A. As far as I know, under the Japanese authorities.

Q. Can you say how the document came into your possession?

A. It was given to Col COOPER, who was in Command of War Crimes Investigation Team by Capt REDFERN, who commanded the No.43 Graves Registration Unit.

Q. Where is Col COOPER now?

A. As far as I know, he is in England.

Q. Do you know if he is still in the Army or has he been released?

A. I believe he has been released from the Army.

Q. And Capt REDFERN?

A. Capt REDFERN has been released from the Army.

Q. Do you know who was the Officer-Commanding War Crimes Investigation Team at the time that was handed to Capt REDFERN?

A. Yes, Col MINSHULL-FORD.

Q. Where is Col MINSHULL-FORD now?

A. In Britain.

Q. Can you say, to the best of your knowledge, from whom Lt Col COOPER got that document?

A. I have no certain knowledge of it but I gathered he got it from the Japanese authorities.

Q. Will you turn over the first page and tell the Court what the conventional signs there are?

A. There are two signs -- the X mark is died before February 1942 -- the cross mark indicates being killed by shooting.

Q.

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45TH WITNESS FOR PROSECUTION -- Major LIGHTBODY.

EXAMINATION IN CHIEF (Cont.)

- Q. I notice that those marks are in pencil - have you any information as to who made the marks?
- A. I have no information on this.
- Q. Are you able to say whether they were made before Capt REDFERN received them?
- A. I can say that these marks were on the book when Capt REDFERN got it.
- Q. Will you turn to the last page and will you tell the Court what the entries are with regard to Sgt J.O. PAYNE?
- A. Grave No. JA4 PAYNE, John Oliver, Sgt in Winnipeg Grenadiers, Hqs. No. 4575, Canadian, date of death 17-8-20 (That is in Japanese).

COURT: Will you translate that here into English so that the Court may know what it means?

INT. TOSHIO: 20th August 1942.

PROSECUTOR:

- Q. Is there a conventional sign opposite that name?
- A. There is.
- Q. What does it indicate?
- A. That he was killed by shooting.
- Q. Have you on your list a man called BERZEMSKI?
- A. I have.
- Q. Read the entry
- A. Grave No. JA2, BERZEMSKI, George, L/Cpl, Winnipeg Grenadiers, Hqs. No. 4576, Canadian, date of death - 17-8-20. (Trans. 20 Aug. 1942).
- Q. Is there an indication to show how BERZEMSKI met his death?
- A. Yes -- the sign opposite his name is a sign which signifies killed by shooting.
- Q. Will you consult your list and see if there is a man called ADAMS on it, and if so, will you read the entry?
- A. Grave No. JA1, ADAMS, John Henry, Pte, Winnipeg Grenadiers, Hqs. No. 6145, Canadian, date of death, 17-8-20 (Trans. 20 Aug. 1942).
- Interpreter explains translation of the figures; to the Court. 17 signifies the year -- 1942
8 2 the month - August
20 " the day --- 20th.
- Q. Is there an indication opposite his name to show how he met his death?
- A. Yes, killed by shooting.
- Q. If you have a man called ELLIS on the list will you read the entry and indicate how this man met his death?
- A. Grave No. JA3, ELLIS, Percy John, Pte, Winnipeg Grenadiers, Hqs. No. 4773, Canadian, date of death 17-8-20. (Trans. 20 August 1942).
- Q. Can you tell the Court if these bodies have been recovered from their graves?

COURT: Is there anything to indicate how ELLIS met his death?

WITNESS: Yes, killed by shooting, sir.

- A. Yes, the bodies have been recovered.
- Q. Do you know if they have been identified and if so can you indicate in what manner?
- A. They have been identified from their dental charts.

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45TH WITNESS FOR PROSECUTION -- Major LIGHTBODY.

EXAMINATION IN CHIEF (Cont.)

- Q. Will you consult your list and tell the Court if there is a man called BRANSON on it, and if so, what the entry is and how he met his death?
- A. Grave No. JA5, BRANSON Victor, Pte, Middlesex Reg., Hqs. No. 274, British, date of death, 17-9-14. (Trans. 14 September 1942). Indicated as killed by shooting.

PROSECUTOR: Is that date the 14th September 1942.

INTERPRETER : Yes, sir.

- Q. Will you consult your list again and ~~the~~ tell the Court what, if any, entry you have there in regard to a man called BYRNE, and how he met his death?
- A. Grave No. JA6, BYRNE, William George, L/Cpl. Middlesex Regt., Hqs. No. 150 British, date of death 17-9-14 (Trans. 14 September 1942) Indicated as killed by shooting.
- Q. Is there a man called CONNOLLY, if so, read the entry and say how he met his death?
- A. Grave No. KA1 CONNOLLY, Paul, Police - Royal Navy Dock Police, Hqs. No. 3100, British, date of death, 17-9-14 (Trans. 14 Sept. 1942) Indicated as killed by shooting.
- Q. Look at your list again and tell the Court if there is an entry regarding STOPPWORD; if so, read the entry and tell us how he met his death?
- A. Grave No. JA3, STOPPWORD, James, Pte, R.A.O.C. Hqs. No. 2909, British, date of death 17-9-14, killed by shooting (Trans. 14 Sept. 1942).
- Q. Finally, will you consult your list and tell the Court if there is any entry with respect to a man called DUNNE, and if so, how he met his death?
- A. Grave No. KA2, DUNNE, Maurice Trevor, Royal Army Ordnance Corps, Hqs. No. 987, British, date of death, 17-9-14 (Trans. 14 Sept. 1942) Killed by shooting.
- Q. With respect to BRANSON, BYRNE, CONNOLLY, STOPPWORD and DUNNE, have their bodies been recovered?
- A. They have been recovered.
- Q. Have they been identified, and if so, by what method?
- A. They have only been identified from what this record shows -- i.e. as being buried in the graves mentioned and their bodies were recovered from these graves.

The witness produces the Document to the Court.

COURT: There is no dental chart in their case -- is that right?

WITNESS: Actually I sent to the Records Officer in England for dental charts but they did not have any copies of them.

COURT: The Court will require six copies of these extracts, which witness can certify as true copies and produce in Court.

COURT: You told the Court that to your knowledge this book was obtained from the Japanese authorities, could you say from what Japanese

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45TH WITNESS FOR PROSECUTION -- Major LIGHTBODY.

EXAMINATION IN CHIEF (Cont.)

authorities?

WITNESS: I cannot say sir.

The document is handed over to the Interpreter.

COURT: Mr. ~~TOSHIO~~, will you translate the Japanese writing on that document?

INTERPRETER: List of Remains and Location, Hong Kong POW Camp.

COURT: The Register of Graves and Location of POW Camp, Hong Kong, produced by Major LIGHTBODY, is initialled by the President, marked P(4) and attached to the proceedings.

COURT: Was Capt REDFERN, or were you ever told that this was the original document or a translation?

WITNESS: I have not been told but I understand that it is the original document.

PROSECUTOR: Sir, might I ask one more question which may help to clear that up?

COURT: Yes.

PROSECUTOR: Major LIGHTBODY, do you recall an occasion in June last when a list of graves were mentioned by certain Japanese; an occasion outside the cemetery?

WITNESS: Yes, I do.

Q. What Japanese mentioned this?

A. Dr. SAITO.

Q. Do you recall what other Japanese were there at the time?

A. Col TOKUNAGA, TANAKA and NIIMORI.

Q. Will you tell the Court in what way they referred to the document?

A. I cannot say.

Q. Are you able to tell the Court the purpose why they were there at ARGYLL STREET on that day?

A. To find the graves of four Canadians.

Q. Were they then required to point out the graves?

A. Yes they were.

Q. And do you recall what their answer was?

A. Yes -- I thought that Col TOKUNAGA said the graves were in ARGYLL STREET cemetery -- Dr. SAITO said they were at KING'S PARK?

Q. And how did Col TOKUNAGA undertake to show you the graves, did he ask for assistance in any way?

A. As far as I remember he said that it was shown in the register.

Q. And what register was he referring to, do you think?

A. That document which I have produced.

COURT: To make it quite clear -- was this document in your possession at that time?

WITNESS: No, I did not have it then.

COURT: You did not know of its existence at that time -- do you mean that you did not have the document with you at all or that you did not have it with you on that day?

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45TH WITNESS FOR PROSECUTION -- Major LIGHTBODY.

EXAMINATION IN CHIEF (Cont.)

WITNESS: I did not have it in my possession at all, sir.

COURT: So until Col TOKUNAGA referred to a register or the register you did not know such a document existed, is that right?

WITNESS: I had not even seen that document sir.

COURT: When you went to ARGYLL STREET Cemetery, who actually pointed out the graves to you?

WITNESS: Nobody pointed them out.

COURT: Then how did you discover them -- by reference to this list?

WITNESS: Yes, after I got that, sir.

PROSECUTOR: In order that there may be no misunderstanding I would like to ask one further question so that you may have the full facts with regard to this -- Major LIGHTBODY, ~~there was~~ another document similar to this one here; and if there was, can you tell the Court what the difference between the two was?

WITNESS: I had a similar document which did not show the entries on the last page as on this document.

No further questions.

CROSS-EXAMINATION -- Mr. FUJITA -- declined.

CROSS-EXAMINATION -- Mr. HASEGAWA -- declined.

COURT: With reference to copies of the extracts, will witness ^{rec} make copies of the first page and also the cover. Witness should certify these as true extracts and they can be produced in Court together with the original so that the Court may compare them and then accept the certified copies and attach ~~ed~~ them to the proceedings.

COURT: Witness may stand down.

46TH WITNESS FOR PROSECUTION -- Mr. TAUSZ.

EXAMINATION IN CHIEF.

Witness is sworn ^{rec} ~~in~~ and questioned by the Prosecuting Officer:

Q. Will you tell the Court your full name?
A. JOSEPH TAUSZ.

Q. I understand that you are of Czech nationality, presently Manager of the Refrigeration Department, GILLMAN & CO. LTD., 4A Des Vaux Road, Hong Kong and that your residence is Hill Crest, the Peak, and that you were taken a prisoner of war on the 25th December 1941 by the Japanese, is that correct?
A. Yes.

Q. Will you tell the Court where you were interned as a Prisoner of war?
A. From the 25th of December until the 2nd of January 1942 at STANLEY FORT -- around the 2nd of January 1942 I was moved to NORTH POINT; and ~~from~~ there I stayed until the 23rd of January 1942; on that date I was moved to SEAM SHUI PO where I stayed until the 29th of April 1944. On that date I was moved to Japan and stayed there until the surrender.

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46TH WITNESS FOR PROSECUTION -- Mr. TAUSZ.

EXAMINATION IN CHIEF (Cont.)

PROSECUTOR: Sir, I have asked Defence if I may ask this question.

Q. Mr. TAUSZ, I understand you kept a diary during your internment at SHAL SHUI PO?

A. Yes, that is correct, and I have the diary here.

Q. Were the entries in your diary made immediately?

A. Yes.

PROSECUTOR: Sir, with the Court's permission may Mr. TAUSZ refer to his diary?

COURT: Yes, but will you explain to witness that he may refer to his diary to refresh his memory but cannot read from it unless he is going to produce the document.

PROSECUTOR: Are you prepared to submit your diary to the Court, Mr. TAUSZ?

WITNESS: Yes, I have no objection but I have to refer to the notes as I cannot remember the things as they occurred.

COURT: You can refer to the documents for dates and you can look at your notes before you give your evidence but you cannot read them out unless you are prepared to produce the book.

COURT: Will you explain to Mr. FUJITA, after witness gives his evidence, if he wishes to examine the diary to which witness refers he may do so.

PROSECUTOR: Sir, do you think it will be of better advantage if witness is prepared to leave his diary with the Court and if I simply refer to the date and he can read the entry from his notes?

COURT: If he is prepared to submit these as exhibits then this can be done, but there is always a possibility that witness may lose his diary -- I think the simplest thing would be to let witness read the extracts from his diary now; then make certified true extracts from his notes; hand up the extracts and the diary to the Court; the Court will then check these and he can have his diary back.

PROSECUTOR: Will you now read the extract from your diary of the 7th of February 1942?

COURT: I presume you kept your diary in English?

WITNESS: Yes the entries are in English. Witness reads entry of 7th February 1942. May I add something to this?

PROSECUTOR: I suggest we deal with written extracts first then we can go back and you can tell the Court anything you may have to add.

Q. Will you refer to your entry for 16th February 1942?

A. I have to make a correction because it was 1943.

Witness reads entry of 16th February 1943.

Q. Will you then read the entry for the 19th of February 1942?

A. Witness reads entry of 19th February 1942.

Q. Will you read the entry of 7th November 1942?

A. Witness reads entry of 7th November 1942 -- ~~reads GREEN~~ ---
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46TH WITNESS FOR PROSECUTION -- Mr. TAUSZ.

EXAMINATION IN CHIEF (Cont.)

- Q. Will you refer to your entry for the 13th November 1942 and read it?
 A. Witness reads entry of 13th November 1942 -- ~~3 men beaten up by the Japanese~~
 Q. What is your entry for 27th November 1942?
 A. Witness reads entry of 27th November 1942 -- ~~slapping on parade~~
 Q. Who did that beating does it show in your diary who slapped the Sgts.
 A. I am afraid not.
 Q. Refer to your entry for the 21st December 1942?
 A. Witness reads entry of 21st December 1942. -- ~~Big inspection today~~ ...
 Q. Refer to your entry for 3rd February 1943?
 A. Witness reads entry of 3rd February 1943.
 Q. Refer to your entry of 9th of April 1943?
 A. Witness reads entry of 9th April 1943.

The Court is adjourned for five minutes. *at 11.30 by the Court on 11.5.43*

- Q. Will you conclude the entry you were reading?
 A. Witness reads remainder of entry of 9th April 1943.
 Q. Will you refer to your entry of 27th May 1943?
 A. If there is a name of a British Officer mentioned, please do not say the name referred to -- just say a British Officer.
 A. Witness reads entry of 27th May 1943 -- ~~British and American merchant navy men~~
 Q. Will you refer to your entry of the 28th November 1943?
 A. Witness reads entry of 28th November 1943.
 Q. Refer to your entry of 1st December 1943?
 A. Witness reads entry of 1st December 1943 -- ~~air raid at RAF TAF~~
 Q. Will you refer to your entry of 30th December 1943?
 A. Witness reads entry of 30th December 1943.
 Q. Will you tell the Court of the entry you have for the 18th January 1944?
 A. Had my face slapped by a sentry for nothing -- 18th January 1944.

PROSECUTOR: Now refer back to your entry of the 7th February 1942 --
 A sentry shot a young Chinese woman you were going to add something to that from memory?

WITNESS: A Chinese woman, and apparently her child, a girl, were collecting dumped rice and things to eat ..

PROSECUTOR: Is this the same one you spoke of in your diary?
 WITNESS: Yes.

It was low tide so they could go around the wall along the seaside. The Japanese sentry walking around the fence without any warning simply raised his rifle, aimed and shot.

- Q. Who was this Japanese sentry?
 A. Just one sentry on guard duty.
 Q. Do you know what unit he belonged to?
 A. I do not know.
 Q. What was he guarding?
 A. All around the camp.

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46TH WITNESS FOR PROSECUTION -- Mr. TAUSZ.

EXAMINATION IN CHIEF (Cont.)

Q. He was a Camp sentry?

A. Correct.

The woman was laying there for a few hours and eventually the guard left; the two bodies were there on the seaside and were washed away ~~in~~ by the tide.

Q. How do you know all this?

A. I do not ~~tk~~ know what I was doing around that place but I was there myself and saw this.

Q. You say you were there?

A. Yes, around the fence were latrines so I was near the fence. I may have been doing some cleaning or something but anyhow I was there and I saw this.

Q. Will you refer to your entry of the 16th of February 1943 -- can you tell me who slapped the man's face?

A. I don't remember.

Q. Was it a Japanese or British Officer or who was it?

A. It was a Japanese.

Q. What was this Japanese? Was he a soldier, gendarme or civilian.

A. Soldier.

Q. What service was he doing?

A. Camp sentry.

Q. Refer to your entry of the 19th of February 1942 -- you say a Japanese sentry beat up a Chinese using jujitsu -- who was that Japanese sentry?

A. Camp sentry again.

Q. Look at your entry for the 17th of November 1942 -- who beat the man referred to?

A. INOUE.

Q. Who was INOUE?

A. Camp interpreter at that time.

Q. Will you tell the Court how you knew that Revd Green was beaten up?

A. I have not seen it -- I was just told by others - and later on we saw Revd GREEN coming around with his face bandaged.

Q. Refer to your entry of the 13th of November 1942 -- you say three men were beaten up by the Japanese, what Japanese?

A. Sentries again -- camp sentries.

Q. Do you know why they were beaten up?

A. In connection with Red Cross stuff.

Q. Who were these three men?

A. POWs.

Q. Will you refer to your entry of 27th November 1942 -- who beat up the three Sgts.?

A. Interpreter INOUE.

Q. Is this the same INOUE whom you spoke of before?

A. Yes.

Q. On the 21st December 1942 - who beat the two Canadian Officers on that occasion?

A. It was the Camp interpreter, INOUE, again.

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46th WITNESS FOR PROSECUTION -- Mr. TAUSZ.

EXAMINATION IN CHIEF (Cont.)

Q. Refer to your entry of the 9th of April 1943 -- who did the beating of the two men who had been talking to the sentries?

A. IMUYE.

Q. Who did the beating of the Dutch Officers and Submarine men?

A. I do not know.

Q. Look at your entry of the 28th of November 1943 -- what was the purpose of this running?

A. They selected men for a draft and made various tests in the form of sports.

Q. Who made you run?

A. All the men in groups of eight.

Q. Who made you run?

A. Dr. SAITO.

Q. Where is Dr. SAITO now?

A. Sitting here on the right hand side of the dock.

Q. When these men were made to run again; the ones who did not run the first time, and were punished, who slapped them?

A. The Hqs. Interpreter, I do not remember his name.

Q. When you speak of Hqs. what do you mean?

A. Outside the Camp -- the one who came with Col. TOKUNAGA.

Q. What Hqs. could that be?

A. Japanese Hqs. of course. There was a Camp interpreter and from outside there came an interpreter who was referred to as Hqs. Interpreter.

Q. On whose Hqs. was he?

A. Col TOKUNAGA'S Hqs.

Q. How many times were you slapped on that occasion?

A. Twice.

Q. When you spoke of being chased out of an air raid shelter on the 1st of December, who did you say chased you out?

A. A Japanese Pilot.

Q. In respect to the entry of the 30th December 1943 in regard to the identification parade, and sentries picking out 18 men and so on, you were going to give us some more details, will you give these details now please?

A. We were all lined up in the afternoon, and a lot of camp sentries, Formosans, came around and went through our lines and looked at everybody and picked out certain men. They went a second time and picked some more men, so that altogether 18 men were separated. Those 18 men were then taken to the Japanese Camp Office in the camp.

COURT: When you read the extract you used the word "we" -- does that mean that you were one of the people who were picked out?

WITNESS: Yes, I was.

There we were lined up and the Camp Commandant, Camp interpreter, Camp Sgt. / Haj HANDA and the Guard Sgt. were waiting. 14 men, including myself, were beaten, and eventually 4 men were again put aside. These four men were kept behind and we others, after a speech or talk by the Camp Commandant, were dismissed. After that until about 9 o'clock at night, we could partly see whilst it was daylight, and heard the screamings of the four men who

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46TH WITNESS FOR PROSECUTION -- Mr. TAUZZ.

EXAMINATION IN CHIEF (Cont.)

were left behind -- how they were beaten up at the Camp Office. They were beaten with ropes, kicked, jujitsu was practiced on them and when once one fainted, buckets of water were poured over him.

COURT: Do you remember the man who beat you personally on this occasion?

WITNESS: That was the Guard Sgt. I do not remember his name as they were being changed around quite often.

COURT: And how were you beaten, in what manner?

WITNESS: With a wooden pole on my head. Twice.

PROSECUTOR: Who were these four men who were beaten after you were dismissed?

A. All four were Canadians -- I think I remember their names -- One was BLUMEN, one was SENJALIN, one was NEWARK and the fourth one was one of two brothers -----

PROSECUTOR: Sir there is some misunderstanding here -- if you remember two other instances of beatings referred to in affidavits -- and the dates given seemed to be inaccurate -- this is one of the beatings to which reference is made and as Mr. TAUZZ has kept a diary, the date given by him is more correct. May I remind witness of the names, sir, as this is most important; it is not to the interest of prosecution -- it is the other way around.

COURT: If it is to the interest of the Accused I think it would be better to have it corrected, if Mr. FUJITA agrees to this.

Do you remember the affidavit you refer to?

PROSECUTOR: The affidavit of Rfm TIBBETTS - Exhibit G(2) and Sgt. KERR - Exhibit H(2).

COURT: The names in that affidavit do not seem to correspond with the names given by witness.

PROSECUTOR: That is why I want to remind him because it is the same thing referred to by KERR and other witnesses -- they have mentioned names incorrectly. I have no doubt the beating referred to in this diary is correct and the others referred to by the other two men in their affidavits are incorrect as the date is not right.

COURT: I think H(2) does not refer to that incident at all. C(2) refers to the incident - but you believe the persons are incorrectly named. May this witness repeat the names so far as he remembers them?

WITNESS: BLUMEN, SENJALIN and NEWARK and the fourth was PATERSON.

COURT: The names witness mentions, except for one, do not tally, --

PROSECUTOR: Yes, sir, but if you will take my word for it -- this is the correct occurrence - the statements made in the other affidavits will not be submitted as the dates given there are wrong. I am convinced that Mr. TAUZZ' entry is the right one, if I may be permitted to remind witness of the names of the men concerned.

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46TH WITNESS FOR PROSECUTION -- Mr. TALUSZ.

EXAMINATION IN CHIEF (Cont.)

COURT: The Court actually were reasonably satisfied at the time you made your submission ~~of~~ ^{the} affidavits and deleted the name of the Accused and the date -- this would appear to be some other incident to which the witness refers. We will let the names mentioned by him stand.

Q. Can you identify the Accused in the Box?

A. Yes, three of them -- first Col TOKUNAGA; 2nd TSUTADA, and the last one Dr. SAITO. And the man next to STODDA -- the face is familiar to me but I cannot remember the name.

Q. Which one is STODDA?

A. Next to the sentry behind Col TOKUNAGA in the grey tunic.

Q. Do you recall either from memory or from your diary how long STODDA was at SHAM SHUI PO as an interpreter or in any capacity at all?

A. It is very difficult to answer because first he was, for a certain time, an interpreter and then he appeared in the camp.

Q. To your knowledge did he leave SHAM SHUI PO before the 23rd December 1943?

A. Yes.

Q. You have referred to your diary and explained the entries -- what other occasions, if any, have you to recall concerning the treatment of Chinese civilians by the guards?

A. I recollect two instances which I did not enter in my diary. One was at North Point.

Q. Were you at NORTH POINT?

A. Yes.

Q. Before or after the 24th of January 1942?

A. I came to NORTH POINT on January 2nd, 1942 and stayed there until the 23rd January 1942.

PROSECUTOR: Do not mention the one at NORTH POINT as it is irrelevant -- just the one at SHAM SHUI PO.

WITNESS: I cannot remember the exact date, but in the summer, two or three Chinese -- among them one woman -- were brought to the outer part of the camp entrance and there they were bound to a lead post. We could see them whilst sending working parties out and were passing by the gate. They were kept there for two or three days. After about three days they disappeared -- they were taken away or something, but apparently one was dead.

PROSECUTOR: I want you to tell the Court just where the post they were tied to was with relation to the gate -- was it opposite the street, or what?

WITNESS: Coming into the camp at the main entrance, on the left hand side is a transformer house and between that transformer house and the main gate fence there is a lamp post.

PROSECUTOR: Do you know what was across the street from this post? Can you tell the Court what was across the street from this post?

WITNESS: Across the street from this post was the main fence and a big gate.

PROSECUTOR: Who tied these people up to the post?

WITNESS: That I do not remember but I have again seen sentries from

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46TH WITNESS FOR PROSECUTION - Mr. TAUSZ.

EXAMINATION IN CHIEF (Cont.)

from the Camp going out and beating them up on one occasion.

PROSECUTOR: You saw sentries from the Camp going out and beating them up?

WITNESS: Yes.

No further questions.

CROSS-EXAMINATION -- Mr. FUJITA.

Q. What side of the SHAN SHUI PO Camp faces the sea?

A. Two sides -- it is surrounded on two sides by the sea.

Q. These two sides are the North and West, is that correct?

A. Yes.

Q. When the Chinese woman was shot on the 22nd of February 1942, on what side of the camp was she?

A. The side opposite LICHIKOK.

Q. What direction is that?

A. Opposite LICHIKOK -- I do not know whether it is North or West but the side looking towards LICHIKOK.

Q. I do not know where LICHIKOK is -- will you please give the direction?

A. I can bring you a map and you can see it -- I do not know whether it is north or west or where.

COURT: Mr. TAUSZ you mentioned two sides -- North and West -- Mr. Fujita would like to know on which of these two sides was the Chinese woman shot -- was it the north side or the west side?

A. North side.

Q. You said that there was some uneasiness among the guards because one of these guards beat a Revd GREEN who was 59 years old on the 3rd February 1943, what do you mean by 'uneasiness'.

A. First of all it was another man by the name of GREENBERG and not Revd. GREEN. But I will tell you -- because that man complained -- the guards got very excited and chased around in the camp more people -- that was the uneasiness.

COURT: This man GREENBERG was slapped and then he complained -- to whom did he complain?

WITNESS: To the Camp Commandant.

COURT: And as a result of that there was uneasiness.

WITNESS: Yes, between the sentries -- they were a bit excited.

COURT: And as a result of the uneasiness what did the sentries do.

WITNESS: They were running about and making life unbearable.

COURT: Did they beat anyone else on the occasion of which you speak?

WITNESS: I do not remember.

DEFENCE: Do you think that because the Camp Commandant reprimanded

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46TH WITNESS FOR PROSECUTION -- Mr. TAUBER.

CROSS-EXAMINATION (Cont.)

the guards that is why they became uneasy.

A. Possibly, how can I know.

Q. About this episode which happened on the 30th December 1943 when the four men were left behind -- after they were left behind -- did you return to your hut?

A. I had to return to my hut -- we went over to the Japanese Camp Office and from the other side of the road we were looking out to see what was happening.

Q. Where was the Office -- the Japanese Camp Office situated -- was it situated on the 1st floor?

A. There was no first floor -- it was the ground floor -- the first building on the left side when you enter the camp.

Q. You said that some water was poured on the POWs, was this done at the office or was it done later?

A. Whilst they were beaten up on the concrete square before the camp office - a man collapsed so water was brought over there and thrown over him.

No further questions.

CROSS-EXAMINATION -- Mr. HASEGAWA.

Q. About the running test, that took place on the 28th of November 1943, at that time was a Canadian doctor present?

A. There was no Canadian doctor there that I can remember unless you mean the British Doctor -- I remember he was present -- may be there was a Canadian doctor there but I would not know this because the Canadians were separated.

Q. Before this running test took place were not the POWs given a medical examination by the POW Doctor?

A. No, how could they - everybody was called out.

Q. You say everybody was called out -- do you mean only those who could run were called out -- i.e. those who could not run were left behind?

A. What do you mean? Those who could not run or said they could not run were put aside and SAITO and the British Officer went through the lines again and selected some more and they were made to run.

Q. Do you know the name of the POW doctor who was present at that time?

A. Yes, I do remember -- Dr. ASHTON ROSE.

RE-EXAMINATION -- declined.

QUESTIONS BY COURT:

Q. When this running parade was ordered you said everyone was ordered out did that include people sick in hospital or quarters as well?

A. No, only those people classified as sick -- there were men ~~not~~ classified as A, B and C and all these men were ordered out on that parade ground.

Q. On this day, December 30th, when you were struck yourself and the 4 POWs were beaten up, who was in charge of that operation?

A. When we were all taken to that place or the concrete square before the Camp Office, the Camp Commandant, Lt. WADA, his interpreter (he is not here), the Camp Sgt/Maj WADA and the Camp Sgt were there and some other Japanese soldiers were there.

Q. Do you remember the name of the interpreter who was there then?

A. He was a short man - rather quiet fellow who never beat anyone up.

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46TH WITNESS FOR PROSECUTION -- Mr. PAUSZ.

QUESTIONS BY COURT (Cont.)

Q. Did you see STODDA there on that occasion.

A. No he was not there.

Q. You have used the word C-in-C in your notes -- whom are you referring to?

A. Commander in Charge of all camps

Q. And he was?

A. Col TOKUNAGA.

COURT: Mr. Fujita, do you wish to ask any further questions arising out of the questions asked by the Court.

DEFENCE: No.

COURT: Mr. Hasegawa, do you wish to ask any further questions arising out of the questions asked by the Court.

DEFENCE: No.

COURT: Major Puddicombe, do you wish to ask any further questions arising out of the questions asked by the Court.

PROSECUTOR: No sir.

COURT: There has been a signal from ALFSEA today declaring January 1st as a holiday -- the Court will not sit on January 1st 1947.

The Court is adjourned until 1000 hours on Friday, the 27th December 1946.

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1000 hours.

TWENTYFOURTH DAY'S proceedings of the trial of Col TOKUNAGA ISAO, Capt SAITO SHUNICHI, Lieut. TANAKA HICOSHI, TSUPADA IPSUO (Interpreter), and Sgt. HARADA JOTARO, held at HONG KONG on the 27th December 1946).

(Held at Jardine Matheson's East Point Godown).

The Court re-assembled at 1000 hrs RCL

47th WITNESS FOR PROSECUTION -- Mr. BARRETTO.

EXAMINATION IN CHIEF.

^{RCL}
Witness is sworn ~~in~~ and questioned by the Prosecuting Officer:

Q. Will you tell the Court your full name?

A. ALFONSO ALONSO BARRETTO.

Q. I understand you are 33 years of age, of Portuguese nationality and a British subject?

A. That is right.

Q. And that you were born at HONG KONG and your permanent address is 245 Prince Edward Road, KOWLOON. And that you were taken prisoner of war as a member of the H.K.F.D.C. on the 25th of December 1941.

A. Yes.

Q. Will you tell the Court very briefly where you were interned?

A. I was at the NORTH POINT Camp for one day, then ARGYLL Camp and from there to the Indian Hospital camp and subsequently to SHAM SHUI PO.

Q. When did you arrive at SHAM SHUI PO?

A. June or July 1942.

Q. Will you tell the Court what you know about the treatment of Chinese civilians by the Camp personnel?

A. In August 1942 I saw a sentry lead a little boy of about 12 years old towards the pier. He then went beyond my sight and I heard two shots fired. Later on the same sentry returned alone.

Q. How old was the boy approximately?

A. About twelve years only.

Q. And the sentry, what was he on guard of?

A. He was just one of the sentries at the fence.

Q. Under whose command would he be?

A. Under the command of the Camp Commandant.

No further questions.

CROSS-EXAMINATION -- Mr. FUJITA.

Q. At that time where were you?

A. In the camp hospital compound.

Q. Where did the guard bring the child from, do you know?

A. From the guard house.

Q. Where was this pier situated?

A. To the left, right across on the other side, so he had to walk past us.

Q. Then this guard went through the compound of the camp to the pier, is that correct?

A. Not through the compound -- just outside.

Q. By the outside, do you mean the western side or the northern side?

A. Just outside the compound, I do not know what direction that was.

No further questions.

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47TH WITNESS FOR PROSECUTION -- Mr. BARRETT.

CROSS-EXAMINATION -- Mr. HASEGAWA -- declined.

RE-EXAMINATION -- declined.

QUESTIONS BY COURT:

- Q. Will you tell the Court -- this pier which you refer to -- was it the pier that was sometimes known in the Camp as the Bamboo Pier?
- A. Correct.
- Q. Had you seen the Chinese boy before or have you any idea as to how he came to be in that Guard House?
- A. No, I had never seen him before.
- Q. Had you seen any incident before you saw the boy which could have given you an idea as to how he came to be in the hands of the Guard?
- A. No.
- Q. I would like to get this quite clear -- was the child actually brought through the Camp to the pier or was he taken outside the perimeter?
- A. Outside the fence along the path.

No further questions.

COURT: Mr. Fujita, do you wish to ask any further questions?

DEFENCE: No.

COURT: Mr. Hasegawa, do you wish to ask any further questions?

DEFENCE: No.

COURT: Major Puddicombe, do you wish to ask any further questions?

PROSECUTOR: No, sir.

COURT: Witness may stand down.

PROSECUTOR: Sir, as the other witness has not arrived yet I will now read RANCE'S affidavits.

COURT: Have you only three more live witnesses whom you wish to call including one from Japan?

PROSECUTOR: No, sir, there are five more witnesses including an amah and a lorry driver and one in Japan and Major ANDO.

COURT: Would you like to call Major ANDO today?

PROSECUTOR: I would like Major ANDO to appear last sir.

COURT: Alright, then, produce Mr. RANCE'S affidavits.

PROSECUTOR: There are three affidavits by RANCE. All the copies were sent to ALFSEA when the record went down there, all of which have not been returned. I will read the three affidavits now and if you want copies, I shall have them made.

COURT: If you prove and produce the original affidavits, we can arrange for other certified copies to be made. Are you in a position to prove these affidavits yourself?

PROSECUTOR: I myself took one at the station and Capt COLLISON took the other two.

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COURT: What about Mr. ZIEDEL'S report, will you have time to read that before the next witness comes? It is unnecessary

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to read aloud in Court the detailed lists of goods.

PROSECUTOR: Is there any objection to my starting to read this now and stopping when the witness arrives at 11 o'clock.

COURT: Not at all -- you can start it now.

Prosecutor starts reading Mr. ZINDEL'S report which is listed as Exhibit C(4).

COURT: There is a note in pencil, is that on your copy as well?

PROSECUTOR: No, sir.

COURT: There is a note at the bottom of this page signed by Mr. ZINDEL; as it is signed by him, the Court can take it into consideration, but as it is not mentioned in your copy, the Court will read it so that Defence and Prosecution will know what it is.

The note in pencil is read by the President and then passed to Prosecution and Defence to observe.

COURT: I do not think you need read the stock sheet which is the next page.

PROSECUTOR: The Prosecutor continues reading from page 3.

Prosecutor stops further reading of the report on the arrival of next witness.

48th WITNESS FOR PROSECUTION -- POON KIT FONG.

EXAMINATION IN CHIEF.

COURT: Does POON KIT FONG require a Chinese interpreter -- if so, Sgt CHAK can be sworn ⁱⁿ as interpreter.

Sgt CHAK is sworn ⁱⁿ as interpreter.

Witness is sworn ⁱⁿ and questioned by the Prosecuting Officer:

Q. Your name is POON KIT FONG and you were an amah, is that right?
A. Yes.

Q. You are 18 years of age, of Chinese nationality and born at HONG KONG?
A. Yes.

Q. Your present address is No. 18 PAK MOH STREET, HONGKONG?
A. Yes.

Q. Will you tell the Court how you were employed during the Japanese occupation of Hong Kong, commencing in 1943?
A. In 1943 I was introduced by a friend of mine to work for the Japanese.

Q. Will you tell the Court where you worked for the Japanese?
A. I was under Col TOMIYAMA.

Q. What place did you work in in 1943?
A. In Col TOMIYAMA'S Office.

Q. Speaking about 1943 where were you working in 1943?
A. I know I was definitely employed in Col TOMIYAMA'S office in 1943.

Q. Where were you employed before you were in Col TOMIYAMA'S Office?
A. I was not employed at all before going into Col TOMIYAMA'S office.

Q. Where was Col TOMIYAMA'S Office?
A. In BORDA Road, HONGKONG City.

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48TH WITNESS FOR PROSECUTION - POON EIT POH.

EXAMINATION IN CHIEF (Cont.)

- Q. Were you employed anywhere else while you were working for the Japanese?
- A. Besides working in Col TOKUNAGA'S office I was employed in a boarding house.
- Q. And where was that?
- A. In ARGYLL STREET, KOWLOON.
- Q. Who lived at this place in ARGYLL STREET?
- A. Lt TANAKA lived in that boarding house.
- Q. Who else lived there?
- A. Besides Lt TANAKA, W/O ICHIKI and HASEGATA also lived in that boarding house.
- Q. Who else?
- A. There may have been some more but I cannot remember now.
- Q. Will you look at the men across from you and tell the Court if you remember any of them?
- A. The second one from my right.
- Q. And who is that?
- A. Lt TANAKA.
- Q. When were you working in that boarding house in ARGYLL STREET?
- A. The following year.
- Q. When was that - give the year please?
- A. I am not quite positive but it was 1944.
- Q. Is that Chinese time or European time?
- A. English date.
- Q. Where were you working in August 1943 - English time?
- A. In July 1944
- Q. I do not want to know about 1944 -- I want to know where you were working in August 1943?
- A. I was working in Col TOKUNAGA'S Office in 1943.

COURT: Perhaps it would help if you asked -- did she go to work in the Boarding House before she went to Col TOKUNAGA'S office or afterwards.

The question is put by the Prosecutor.

WITNESS: First I worked in Col TOKUNAGA'S office and then I was transferred to the Boarding House.

PROSECUTOR:

- Q. While you were in ARGYLL STREET boarding house what POWs did you see there.
- A. On one occasion I saw an officer called YOKI beating up POWs in the boarding house.
- Q. How many POWs were there?
- A. About three or four.
- Q. What nationality were they?
- A. Apparently they were English.
- Q. Do you know who brought them there or who were brought with them?
- A. I am sorry I could not see anyone more than the prisoners.
- Q. When they were brought into the boarding house where were they kept?
- A. In the drawing room of the ground floor.

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48TH WITNESS FOR PROSECUTION - POON KIT FONG.

EXAMINATION IN CHIEF (Cont.)

Q. Where is the drawing room of the ground floor, under what is it?
 A. The drawing room is just next to the door.

Q. What Chinese have you seen in that boarding house?
 A. I saw two Chinese at the same time.

Q. Do you know who these Chinese were?
 A. I do not know who they were but later I heard that they were drivers.

Q. And where were they put when they came into the house?
 A. In the same spot with the English POWs.

Q. What did you see happening, if anything, to those POWs and the two Chinese drivers?
 A. I did not see the actual thing myself but I heard moaning and screaming of the POWs.

Q. Why were they moaning and screaming?
 A. I believe they were beaten up very hard.

Q. Do you know who was doing this beating up very hard?
 A. I believe it was the Officer YOKOI because he was the only Japanese in the drawing room.

Q. Where was Lt TANAKA?
 A. Please give me some time to think -- Lt TANAKA was not in the drawing room.

Q. Where was Lt TANAKA, do you know?
 A. Lt TANAKA was outside the door of the drawing room.

Q. What was he doing there?
 A. He was standing there to watch the beating up of the POWs.

Q. How long did this beating up go on for -- how long were they in that room?
 A. Between half an hour and one hour.

Q. How long did you stay working at the boarding house in ARGYLL STREET?
 A. A few months.

Q. Then where did you go?
 A. I returned to Col TOKUNAGA'S office in FORFAR ROAD.

Q. When was that? When did you return to Col TOKUNAGA'S OFFICE in FORFAR ROAD?
 A. About October or November.

Q. Of what year?
 A. 1944.

Q. When did you leave Col TOKUNAGA'S Hqs. to go to ARGYLL STREET?
 A. I went to Col TOKUNAGA'S office and then to ARGYLL STREET and back to Col TOKUNAGA'S office?

Q. I want to know when you went from FORFAR STREET to ARGYLL STREET?
 A. In June 1944.

Q. What were you doing in September 1944?
 A. I was in ARGYLL STREET.

Q. What POWs did you see there in September 1944?
 A. I saw a few British POWs in ARGYLL STREET.

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46TH WITNESS FOR PROSECUTION -- POON KIT FONG.

EXAMINATION IN CHIEF (Cont.)

Q. What happened to them?

A. As I was saying, these few British POWs were beaten up by the Japanese Officer in ARGYLL STREET.

Q. Are you speaking of the same thing that you told us about a little while ago or is this a different occasion?

A. The same story, sir.

Q. On any other occasion did you see POWs at ARGYLL STREET?

A. Not on any other occasion.

Q. Can you say the date or the month when the POWs and the two Chinese drivers were at ARGYLL STREET and you saw them, what month did you see them there and what year?

A. I am not sure of the definite date.

Q. What month and what year?

A. About August or September in 1944.

Q. You went to work for Col TOKUNAGA at FORFAR STREET in 1943, in what month in 1943 did you go to work there?

A. In June or July 1943.

Q. How long did you work for before you went to ARGYLL STREET?

A. About a year.

Q. When you saw these POWs and the Chinese drivers what floor were they on?

A. In the ground floor of the boarding house.

Q. And how did you get in that ground floor?

A. Do you mean how did the POWs get in there?

Q. How did anybody get in -- is there a door there or what?

A. We could go in to the Ground Floor by the main entrance or by the side entrance.

Q. How many floors were there in that house?

A. It was a two-storied building.

Q. How did you get from the ground floor to the first floor?

A. One must pass through the drawing room before going up to the first floor.

Q. How did you get up to the first floor when you passed through the drawing room?

A. By stairs going up to the first floor.

Q. Where were these stairs, were they in the living room of which you speak or were they somewhere else?

A. Adjacent to the door of the drawing room.

Q. What was underneath the stairs?

A. Underneath the stairs there was a passage leading to an air raid tunnel.

Q. Was that passage a stairway or was it on the same floor as the ground floor?

A. On the same floor as the ground floor. Underneath there was some sort of basement and we could go down to the basement by stairs.

Q. Immediately under the stairs what was in there?

A. There was nothing underneath those stairs.

Q. Was it solid or was there a wall flushed-in under the stairs, or how was it there?

A. There was a plank up to the stairs.

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48TH WITNESS FOR PROSECUTION -- POON KIT FONG.

EXAMINATION IN CHIEF (Cont.)

Q. You mean there was a wall?

A. Yes, a wooden wall or some sort of thing.

Q. How did you get underneath the stairs or could you get in underneath the stairs?

A. We could go underneath the stairs by the side entrance.

Q. What do you mean by that, the side entrance from the wall of the house or the side entrance from the passage way at the side of the stairs?

A. Side entrance to the ground floor but at the same time by this entrance we can go down to the basement as well.

Q. When you are inside the house how could you get under the stairs -- have you to get outside to get under the stairs?

A. We just could not get underneath these stairs whilst we were inside the house - we had to go outside the house and come through the side entrance.

Q. When these POWs and the Chinese drivers were brought into the house did they come in by the front entrance or the side entrance, do you know?

A. Through the side entrance.

Q. And when they came in from the side entrance where were they placed?

A. They were put in the drawing room of the ground floor which is just facing the wooden wall at the staircase.

Q. Did you see them before you left this house?

A. I only saw them from the back.

Q. I am not asking you from where you saw them or how you saw them I want to know if you saw them before they left the house?

A. No sir.

Q. When you say you saw their backs where did you see their backs and when did you see their backs?

A. It was about 6 p.m. whilst I was coming down from the stairs and at that time they were just going to leave the boarding house.

Q. What did their clothes look like, what condition were they in?

A. In very dirty khaki uniforms, but these uniforms were almost torn to pieces.

Q. Was the cloth wet or dry, what was the cloth like?

A. In khaki shirts and shorts.

Q. I want to know whether the cloth was wet or dry?

A. I am not sure.

Q. What work did you do in that boarding house in ARGYLL STREET?

A. I was working there as an amah but I also got to do some odd jobs such as answering telephone calls.

Q. What sort of work had you to do as an amah -- were you a house amah or a wash amah or what?

A. My main job was to put the table at meal times and also to tidy up the beds.

Q. What did you have to do in the living room?

A. In the morning I had to go down to the drawing room and just wipe off the dust from the furniture.

Q. When was the next time you went into the drawing room after you saw the POWs and Chinese drivers leaving, which is at 6 p.m. as you say?

A. Immediately after they left I was trying to enter the drawing room

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48TH WITNESS FOR PROSECUTION -- POOL KIT PONG.

EXAMINATION IN CHIEF (Cont.)

but seeing there was blood in the drawing room I was pretty scared and I just passed through the door instead of going in.

Q. Where was this blood?
A. In the drawing room.

Q. Where in the drawing room, on the floor, on the walls, on the ceiling, where in the drawing room?
A. On the ground.

Q. How much was there?
A. There was a spot.

(Witness indicates the spot as being a circle of about 6" in diameter.)

Q. How many spots of blood were there?
A. There was only one big circle like this and around this circle there were a few little spots of blood.

Q. Had you been in the drawing room before the POWs and the Chinese drivers had been there, just before, if not, how long before?
A. In the morning of that day.

Q. What was on the floor then?
A. Things were normal on the floor.

Q. When did the spot get on the floor?
A. At about 6 p.m. of that day, immediately after they left the drawing room of the boarding house.

Q. Do you mean that the blood got on the floor after the POWs and the Chinese had left or did you see it after they left?

COURT: Major PUDDICOMBE, witness has disclosed seeing blood after the POWs left; she has disclosed seeing the floor normal before they got there; I do not think you can expect her to say exactly when the blood got on the floor.

PROSECUTOR: Sir, I do not expect to make that sort of an answer -- as you will see it is difficult to get this witness to answer and I would like to continue questioning her.

Q. Will you say, if you can, and as nearly as you can when that blood got on to the floor?

A. I strongly believe that this blood got on the floor whilst the POWs and the two drivers were in the drawing room.

Q. Why do you believe that?

A. In my opinion, if the blood did not come from the POWs or from the drivers, from whom would this blood be coming?

Q. Who else was in the room, you told us that there were other people in the room too?

A. I would like to repeat, if the blood did not come from the POWs or from the drivers, from whom would the blood come?

Q. You have told me that there was a Japanese Officer in that room, and the POWs, and the Chinese drivers, now if it did not come from the POWs or the Chinese drivers, did it come from the Japanese Officer?

A. But I do not believe there would be any blood coming out from the Japanese Officer.

Q. Why do you not believe that?

A. Well, do you mean the Japanese Officer will cut his body and let the blood come out from there?

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46TH WITNESS FOR PROSECUTION -- POOL KIM FONG.

EXAMINATION IN CHIEF (Cont.)

- Q. Was the Japanese Officer's body cut when you saw him?
 A. No, I did not see any wounds or cuts on him.
- Q. Who did you see wounds on?
 A. I do not quite understand the question because I only saw their backs.
- Q. Now, who are you speaking of? The Japanese Officer, the POWs, the Chinese drivers, or all of them?
 A. I just took a glance at them.
- Q. At whom?
 A. I took a glance at the POWs and the drivers.
- Q. What did you see?
 A. I glanced at them while they were walking out and I could hardly notice anything peculiar.
- Q. Will you go back to the living room and tell the Court what you saw there besides blood on the floor, if you saw anything at all on the floor, besides blood?
 A. Besides the blood, the tables and furniture were in the wrong place and there was a water bucket as well.
- Q. Was this water bucket full or empty?
 A. There was no water in the bucket.
- Q. What had it been used for?
 A. Well I could not tell you the actual thing because I was not sure whether there was any water in the bucket in the first place.
- Q. Were ~~their rods~~ ^{their maps etc} on the floor or was the floor bare?
 A. The floor was a bare floor with wooden planks.
- Q. Besides the blood what was there on the floor?
 A. I did not see anything -- there was one thing peculiar and this was the bucket.
- Q. Will you explain what you mean, why was this peculiar?
 A. Well just because a water bucket was not normally placed in the drawing room.

No further questions.

CROSS-EXAMINATION -- Mr. FUJITA.

- Q. From the door, what was the distance to this blood spot?
 A. The blood spot was right in the centre of the drawing room and it was about a little more than 10 ft. from the door.
- Q. When you went into the room how many steps from the door did you enter?
 A. About seven paces.
- Q. When you saw this blood spot did it appear as though somebody stepped on it or was it plain?
 A. It seemed to me that nobody had ever stepped on the blood.
- Q. How many entrances are there to the drawing room?
 A. There were three entrances to the drawing room.
- Q. The place where Lt TAMAKA was standing and looking on, was there a room or was it just an entrance?
 A. Lt TAMAKA was standing at the entrance facing the staircase.
- Q. The entrance where Lt TAMAKA stood was that an entrance where nobody could enter from the outside?

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48TH WITNESS FOR PROSECUTION -- POON KIT PONG.

CROSS-EXAMINATION (Cont.)

- A. Yes nobody could go in by that entrance, but there were not many people at that time.
- Q. Was the drawing room adjacent to another room or when one wished to go to the living room must he pass through another room?
- A. Adjacent to the drawing room there was a kitchen.
- Q. You said that you heard some screaming, from where did you hear this screaming?
- A. I was on the first floor at that time.
- Q. What room on the first floor were you in?
- A. I was sitting very near to the staircase.

No further questions.

CROSS - EXAMINATION -- Mr. HASEGAWA. -- declined.

RE-EXAMINATION

- Q. When you saw this spot of blood how far away from the spot of blood were you?
- A. About six or seven paces from the blood spot.

No further questions.

QUESTIONS BY COURT:

- Q. Can you remember what time of the day, more or less, -- was it morning, afternoon, or evening when you first saw the POWs and the drivers?
- A. It was in the afternoon but I just could not tell you the exact hour.

No further questions.

COURT: Mr. Fujita are there any further questions you wish to ask?

DEFENCE: No.

COURT: Mr. Hasegawa, are there any further questions you wish to ask?

DEFENCE: No.

COURT: Major Puddicombe are there any further questions you wish to ask?

PROSECUTOR: No sir.

COURT: Witness may stand down.

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24th DAY'S PROCEEDINGS.27 Dec. P.M.

At 1415 hrs. on 27 December the Court re-assemble, pursuant to adjournment; present the same Members as at adjournment.

Japanese Rec

New Interpreter, Mr. ICH Iwabuuchi is sworn.

49th WITNESS FOR THE PROSECUTION - Mr. T.R. INGRAM.

On being sworn is examined by the Prosecutor.

Q. Tell the Court your full name please.

A. Theodore Ralph INGRAM.

Q. I understand you are at present employed in the Architect's Office of the Public Works, HONG KONG?

A. Yes.

Q. Of British nationality having been born in AUSTRALIA?

A. Yes.

Q. You were drafted in the HONG KONG Volunteer Defence Corps and later POW in December 1941?

A. Yes.

Q. Will you tell the Court where you were interned during your imprisonment?

A. From 30 December, 1941 until 8 August 1942 I was in BOWEN Road military hospital.

Q. While you were in BOWEN Road, will you tell the Court what you know of the treatment of Chinese civilians or other personnel?

A. On more than one occasion I saw sentries and other Japanese staff ill-treat the Chinese outside the hospital compound.

Q. Who were these sentries; where were they attached to?

A. Japanese military sentries on duty at the guard house at BOWEN Road hospital and also in a large building belonging to the hospital on a lower level which was occupied by Japanese troops. On several occasions I have seen Chinese men and women tied to posts. Usually they were standing for as long as 24 hours at a time and at the guard house. (Witness demonstrates the way in which he saw the persons tied). On other occasions they were tied to posts, but I have seen rocks or something tied to their necks and they were supposed to keep their heads down. I saw this also at the guard house. On another occasion there were 2 Chinese grass-cutters outside the hospital on a grassy bank. At least one sentry (there were several) was taking pot shots at these two women. One was hit and I could see blood from her leg. They managed to crawl away among the bushes and escape. I was on the verandah.

Q. In regard to the Chinese that you saw tied up to the posts, how many occasions did you see this, approximately?

A. I think 4 or 5; I find it hard to remember several.

Q. Can you fix the time for all these things?

A. It was early in 1942; I could not remember the date and of course as I was a patient till the end of January. It followed up, rec.

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Mr. HODMAN.

- Q. What else do you know of that treatment?
- A. In addition to the cases I saw personally, the hospital staff and other persons also saw torturing going on at this guard house. I have been told of cases where 2 or 3 men were made to join hands and an electric current was passed through them to give them severe electric shocks. I did not see that myself but was told. Another incident of which I have been told and heard it from a good few sources in the hospital was an occasion where oil was poured over two or three men (about three I think) and they were set alight. This, I believe, was early one morning.
- Q. Who told you about both these occurrences?
- A. I have forgotten the individuals. I remember several hospital orderlies were supposed to have seen this thing.
- Q. Will you tell the Court what you went to when you left BOWEN Road?
- A. On 8 August 1942 I was sent to SHAN SHUI PO Camp. I stayed there until about October 1943 and then went back to BOWEN Road for about 4 weeks. Then I returned to SHAN SHUI PO until the Emperor's birthday 1944, 29 April. Then I was sent on the last draft from SHAN SHUI PO to JAPAN.
- Q. What do you know about Red Cross goods in relation to the Japanese?
- A. All through my internment, both in HONG KONG and JAPAN we were horrified at the misappropriation of them. In HONG KONG, for instance, when our first lot came, at the end of 1942, working parties went out to collect the stuff and they were horrified to find out how much was indiscriminately handed to people on the spot. Lorry drivers and shopkeepers were getting at least 2 parcels each. I myself went out with the working parties but lost it again and again from the POWs.
- Q. What about the camp staff?
- A. I have seen members of the camp staff wearing articles of Red Cross clothing.
- Q. Where did the lorry drivers get the stuff from?
- A. I was told the Red Cross parcels were given to them by the Japanese in charge of these working parties collecting Red Cross supplies.
- Q. Who were these Japanese in charge?
- A. Japanese military guards that looked after us.
- Q. Where were they guarding?
- A. POWs.
- Q. Do you know a man called FORTAID?
- A. Very well. L/Oph. FORTAID used to be a piano tuner in civilian life (he still is in fact in HONG KONG now). Occasionally when pianos belonging to the Japanese required tuning he was taken out. I remember one occasion in particular when the piano in the Japanese building just outside the wire required tuning FORTAID was sent for. On this occasion he was taken to the Japanese house just outside the barbed wire and when he had finished the job he sat in and he was given cocoa and other Red Cross stuff, biscuits and stuff from Red Cross parcels. He was given quite a feed and the people in the place were also eating Red Cross stuff.
- Q. Who were these people in the house outside?
- A. Japanese interpreters and others connected with our camp.

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Mr. Igarashi.

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CROSS EXAMINATION by Mr. FUJITA RCL

- Q. What was the distance between the sentry and the two Chinese women whom you said were shot at?
- A. Not shot range, couple of hundred yards I think, maybe less.
- Q. Where did the electric treatment take place?
- A. At the BOHEI Road guard house.
- Q. Where was the pouring of oil?
- A. The same place.
- Q. You said the camp staff were wearing Red Cross clothing, what kind of clothing?
- A. I have forgotten all but there were some socks. Wind breakers were dealt with on a large scale, sold wholesale in addition to being worn. In JAPAN I remember shirts as well.

COURT: Anything that happened in JAPAN is not relevant to this case.

- A. In HONG KONG I remember definitely socks and have forgotten other articles of clothing. Wind breakers were misappropriated by the thousand.
- Q. How do you know the socks were Red Cross supplies?
- A. They were exactly the same kind that we received.
- Mr. Hosokawa declines to cross examine RCL*
- Re-examination declined.

QUESTIONS BY THE COURT:

- Q. The lorry drivers you told the Court sometimes got two or more Red Cross parcels. Who were they?
- A. Chinese lorry drivers.
- Q. Under whose direction or control were these drivers?
- A. As far as I know they were entirely under Japanese control. Our working parties were out to supply labour only; we had no vehicles.
- Q. Do you know under what unit's control?
- A. Under the Japanese army, presumably the Japanese army service corps. I am not certain.
- Q. You have described to the Court an incident which was told you about some Chinese having oil poured over them and being set alight. Were you told by whom this was done and where it took place?
- A. Yes, I was told it occurred right outside the BOHEI Road guard house on the foot path there and was done by the sentries on duty there.
- Q. The people were tied to posts or with weights around them - did you ever see any incident to explain why this was done to them?
- A. I have seen Chinese passing the guard house being slapped for ignoring or not bowing to the guards and, to the best of my knowledge, these people who had weights suspended from their necks were punished to the same thing.
- Q. The people were tied to posts - did you see anything else done to them at the time or while they were tied there?
- A. I think I saw that in sight on one occasion I saw water thrown over one person who was tied. The person could be identified as the servant of the Matron in the hospital.

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Mr. H. H. H.

- Q. Will you look at the people in front of you and tell the Court if you recognize any of them?
- A. I can only recognize 3 - Col. T. T. T. on his own, next Interpreter T. T. T. and on the extreme right Dr. SAITO. I am not sure of the other two.
- Q. Did you ever see Dr. SAITO present at the time when this ill-treatment by our civilians was going on?
- A. No, I think I have ~~not~~ seen him cause beating to POWs in camp.
- Q. That is not the point; I want to know whether he was present when Chinese civilians were ill-treated.
- A. No.

QUESTION PUT THROUGH THE COURT:

By Mr. Fupla No question By Mr. Hasegawa No question RCL

- By Prosecutor: These men you say were Japanese army service corps people. Under those orders were they do you suppose?
- A. As far as I know they were under the control of the Colonel in charge of the POW administration of our camps.

(No more questions)

10TH WITNESS FOR THE PROSECUTION - Major AIDO Tadasahi

Having been duly sworn RCL

On a solemn declaration is examined by the Prosecutor.

- Q. Will you tell the Court your full name, rank and service?
- A. Major AIDO Tadasahi, 10th Area Army, staff officer, POW SA.
- Q. How long have you been in the army?
- A. If I include my school course it would be 15 years.
- Q. How long were you on staff work?
- A. 2 years.

COURT: Will you warn the witness he need not answer any questions either from the Prosecution or Defense or from the Court which might involve him in a crime.

- Q. Where did you serve during staff duties?
- A. POW CAMP and POW SA.
- Q. As a staff officer, what do you know about the administration of POW camps?
- A. I do not know much about the regulations concerning POW camps. I was taught about regulations concerning the POW camps but forget because I was quite a long time in prison.
- Q. Do you remember in an area like HIG HIG whether or not there would be an office controlling POW camps in that area?
- A. Yes, I believe there was.
- Q. In a comparable area in POW SA was there an officer of that kind?
- A. There was ~~an~~ POW camp in POW SA and an officer in charge.
- Q. What rank had he?
- A. The first time there was Colonel and then later Major.
- Q. How many camps did he have under his command?
- A. There were 10 POW camps.
- Q. Then there were such as HIG HIG that is the way of the Government of all the POW camps respecting regulations?
- A. The officer in charge should do his best in keeping the camp very condition very good.

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Major A.D.

- Q. What about food, what is his responsibility in respect to food?
A. It is the same about food.
- Q. What about the general health of the POWs, what is the responsibility of the commander of the camp of the POWs concerning any responsibility there?
A. It is the same but I should like to emphasize that this should be done according to the orders given by higher authority and given by the local commander there.
- Q. Respecting health, if it is suspected that an epidemic may break out, what is the responsibility of the commander in Chief?
A. The chief should do his best in preventing the epidemic from spreading.
- Q. Regarding sanitation again, how often should the area commander inspect the POW camps?
A. I do not know anything about H.Q. H.Q. but the chief should inspect the camp at least once a month.
- Q. What is his responsibility for the provision of food?
A. The responsibility of the Camp Commandant concerning food is to do his best in accordance with the regulations and orders from higher authority concerning food supplies.
- Q. Supposing there is adequate food in the area, what is his duty then?
A. In that case the responsibility of the chief of the POW camp is to do his best in requiring the foodstuffs and report to higher authority about the conditions because he did not have any foodstuffs by himself.
- Q. What is this "higher authority" you speak of?
A. I mean the War Ministry and Chief of Staff of the Army.
- Q. Presuming that you were short of food in the area, what is the POW Commandant's responsibility respecting work on working parties?
A. If their food condition is inadequate, generally speaking the POW area commander had to take circumstances into consideration and give them a moderate quantity of work.
- Q. Can you ~~maybe~~ tell the Court what you understand is the rule of International law respecting the type of work that can be done by working parties composed of POWs?
A. I know some of them; I am sorry I have no accurate memory as to International law but I can tell you that POWs cannot be used in connexion with operational work.
- Q. Do you mean by that war work?
A. I meant to say they cannot be used to make any tools or instruments, weapons and things like that.
- Q. Do you mean tools, instruments and weapons used for war?
A. Yes.
- Q. If such work is being done what should the Area Commandant of the POWs do?
A. Generally the area commandant should report that to his higher authority and stop them.
- Q. There again, by "higher authority" do you mean the War Ministry?
A. Sometimes it will be the highest area commander, sometimes the War Ministry and staff officers and sometimes the Governor in the case of H.Q. H.Q.

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Major A.D.

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- Q. Will you tell the Court what the regulation or rule or procedure is in the Japanese army respecting the treatment of POWs by prison guards? Are they allowed, for instance, to strike the POWs by your regulations?
- A. It is never allowed for a guard to strike the POWs.
- Q. Presuming the guards are striking the POWs habitually, what is the duty of the Army Commandant of the POW camp?
- A. To take all possible procedure to prevent such a case.
- Q. Respecting the health of POWs, what is the duty of the Army Commandant of the POW camp?
- A. He is responsible for keeping their health in good condition.
- Q. Do POW camps normally have on their establishment medical officers?
- A. I think there are ~~xxxxxx~~ some medical officers.
- Q. If there are medical officers among the POWs, what is the situation there?
- A. I think they would be employed as medical officers to take care of the direct treatment of the POWs but under the control of the Japanese medical officer.
- Q. In the event of a European POW doctor telling the camp Japanese medical officer that one of his fellow POWs was in need of an emergency operation, what would be the duty of the Japanese medical officer?
- A. In that case I think the POW doctor will report to the Japanese doctor the condition of the patient and then if the judgment is right the Japanese medical officer will give him due treatment.
- Q. Speaking again in the case of a surgical operation which is required if there is no hospital in camp and there is an army hospital or POW hospital adequately equipped outside the camp, what then is the duty of the Japanese medical officer who has been told that a POW needs an immediate operation?
- A. Is there any place to operate in camp?
- Q. No, none in camp.
- A. I think there is no responsibility in the medical officer and if the case is an emergency one the medical officer should report to the commander of the camp to let him send it to hospital.

The Court goes into temporary recess at 1545 hrs. RCL
The Court re-assembles at 1550 hrs. RCL

- Q. Could the Japanese medical officer on his own responsibility refuse to allow a patient who needed an emergency operation to go to the hospital?
- A. The medical officer cannot refuse the application if it is serious.
- Q. If a Japanese medical officer of POW camp has it pointed out to him that certain unsanitary conditions exist, what should he do?
- A. If the unsanitary condition is really bad the medical officer should report to the Commandant and request improvement of it.
- Q. What discipline do you exert as the medical officer over POWs?
- A. Generally speaking the medical officer has no disciplinary power over the POWs.

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Major [redacted]

- Q. Those duty is it to see that adequate medicine is provided for POWs?
- A. Providing medicine and supplies is done through the hand of medical officers but the responsibility of that is in the hands of the commandant and the duty of the medical officer is to help and to give the commandant advice, that is all.
- Q. What is the medical officer's duty if he finds deficiency diseases in the camp?
- A. In that case it is for the medical officer to report the condition for improvement of the supplies. But the responsibility of supplying foodstuffs or something like that does not exist with the medical officer: it is the responsibility of the Intendence officer.
- Q. In the case of European POW doctor pointing out that unsanitary conditions exist, can the Japanese medical officer say that these conditions will not be put right?
- A. The medical officer himself has no authority but he has the power to report for improvement.
- Q. I take it then your evidence is that he could not refuse on behalf of the Japanese authorities to see that the unsanitary condition was put right?
- A. I cannot say clearly about conditions because the conditions are very different in each case but if it is necessary to improve the circumstances I do not think he will say "No, I won't".

CROSS EXAMINATION by Mr. Fugate REC

- Q. You said there was a Colonel commander in FORMOSA. Did he control all over FORMOSA?
- A. Yes.
- Q. Was there any POW branch camp in FORMOSA?
- A. Yes.
- Q. Do you know whether there was a branch camp in HONG KONG?
- A. I do not.
- Q. Who established the branch camps. Can the Camp commander establish them?
- A. In the regulations concerning this matter the camp commander cannot do this. He has to report to the Commander in chief of the area or to General H. I would like to make a correction of a mistake in interpretation.
- INTERPRETER: I said in interpretation 3 words in Japanese but I did not say "General H". I said "higher authority" and sometimes staff office.
- COURT: Do you mean when the witness has said "higher authority" he wishes to mean "General H"?
- Witness: The Interpreter made a mistake in interpreting the words in Japanese which were translated as "higher authority". I would like to correct that to "commander of the area".
- Q. You have said that if the work assigned to the POWs working group is against the regulations of International Law they should report to a higher authority and stop it. If that order is given by the direct superior, what can the Camp Commandant do about stopping that order?

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Major AIDC.

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- A. In the Japanese army orders should be obeyed and if the order comes from the direct superior officer the subordinate should obey that order because the superior officer knows about the illegality of the order. In special cases the subordinate can express his opinion in a roundabout way.
- Q. You have said that if beating took place, some steps must be taken to stop that beating. Suppose the camp were scattered over a large area what will be the procedure of control over the guards?
- A. To stop beating these means should be followed, for instance to give the POWs ample time to report their complaints to the officers and at other times inspection should be done to see whether the order is followed or not. But I cannot help saying that it is very difficult to stop the beating, even in the Japanese army.
- Q. You said food was supplied in accordance with the regulation concerning this matter, but can the Camp Comdt. supply food-stuffs over the scale set by the regulations?
- A. No. I think it is the same way in the Royal British Army and I have heard that food which is supplied to the prisoners in the gaol cannot be improved by the order of the Central HQ in SINGAPORE.

At 1030 hrs. the Court adjourn till 1000 hrs. on Saturday 28 Dec. '40.

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25th DAY'S Proceedings of the Trial of Col. T. MATSUJIMA, Isao,
Capt. S. Y. O. SAKURAI, Lt. T. MATSUJIMA, Interpreter T. MATSUJIMA
and Capt. MATSUJIMA Tataro.

(Held at 7.00 AM with some last point "odoma".)

Saturday 28 December, 1946, 1000 hrs.

The Court re-assembles at 1000 hrs. ^{Rec}

JOHN W. HESS, JR., THE PROSECUTOR - Major ALDO

Cross-Examination Contd.

COURT: Will you remember that you are still bound by the affirmation which you made yesterday?

Q. Yesterday you testified that the responsibility for rations is with the Intendence officer. What relation would this Intendence officer have with the authority of the Camp Commandant?

A. Such a responsibility is within the authority of the Camp Commandant and has no relation with persons outside.

COURT: Will you ask the Counsel for Defence to amplify what he has just said "Camp Commandant" did he mean the Commandant of a single camp like Lt. MATSUJIMA, Camp Comdt. of Aoyama Street at one time, or does he mean the officer in charge of a group of camps like Col. MATSUJIMA?

DEFENCE: I mean the Commandant of several camps. Before going on I wish to make clear the difference between the branch camp MATSUJIMA and the Camp Comdt.

COURT: It would help when he is referring to the officer in charge of groups to use the words Camp Commandant. If he talks of a man in charge of a branch he must call him Camp "Commander".

Q. For instance, in a Japanese army or in the Philippine Area Army is there such an Intendence officer?

A. Where there is an army there is always an Intendence officer. Therefore I think there would be in those 2 cases.

Q. What relation would this Intendence officer have with the Commander in Chief?

A. Such an Intendence officer is an auxiliary to the Commander in Chief and he is not independent.

Q. Then it is all right to agree that the duty of the Intendence officer in a camp and the duty of that in an army is the same?

A. I think it is the same.

Cross-Examination Continued
(By Mr. Hasegawa)

Q. Yesterday the witness was testifying about various facts concerning camps and used various words which I wish to have clarified.

A. There is an official regulation concerning POW's; I will testify from memory about that regulation.

COURT: Will you ask Mr. Hasegawa what are the words he requires to be clarified?

DEFENCE: General Hasegawa, General Staff HQ, Commander in Chief, Divisional Commander, Governor-General. That is all I can remember.

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Major A.D.

A. The highest authority is the War Minister. Under him is the Information Bureau. This Bureau is in direct charge of P.O.s. About the supervision of P.O.s, the War Minister sets down a detailed set of regulations for the supervision. Locally there is the Commander in Chief of the Area or a Divisional Commander and he is responsible locally for the supervision of the P.O.s. Next is the Camp Commandant; he supervises P.O.s in accordance with the regulations set down by the War Minister or by the Area Commander in Chief or by the Governor-General or the Divisional Commander.

COURT: Will the witness now make it clear, as has been used ^{a REC} the word referring to a new official. Who is the Governor-General, is he military or civilian?

A. By Governor-General I mean a military man, as in the case of HONG KONG.

COURT: Was the military man you called the Governor-General of HONG KONG the commander of the troops in the area? Is it the same man?

A. As I remember it, the Governor-General is the Governor-General of the area and also Commander in Chief of the area.

Q. In your evidence today you said that the highest responsibility concerning the supervision of P.O.s was with the War Minister. Yesterday in your evidence you said that in matters concerning rations of the P.O.s the Camp Commandant should refer them to the "central administration" authorities. By that you said it was the General HQ or the General Staff HQ. What relation would this have with the War Minister?

A. In today's statement I said that the War Minister is the highest responsible authority. There is no mistake in that. Yesterday I referred to the "General HQ" concerning P.O.s but the General HQ regulates or supervises army operations. Therefore during the army operation if some P.O.s are captured the army at the front must wait and receive orders from the General HQ but in the case of HONG KONG the General HQ would not have any relation with the P.O.s, I do not think.

Q. In your evidence you testified that in an P.O. camp there is the Camp Commandant and under him there is a military doctor and an internment officer. Are there not other officers who have special duties?

A. Generally there is also an administrative officer but he is an auxiliary officer to the Camp Commandant. Therefore the Camp Commandant is responsible for such matters.

Q. Also in your evidence you said that if there are P.O. doctors in the camp they would be directly responsible for treating P.O. patients, but you said that these doctors would be under the supervision of a HQ officer. What do you mean by a HQ officer?

A. By that I mean an officer who would be attached to the P.O. camp from the army. An officer who is assigned to the P.O. camp.

Q. Does "HQ officer" include the military doctor officer, the internment officer, the administrative officer who are assigned to the camp?

A. No. The Camp Commandant is not included in the "HQ officer". By "HQ officer" I mean those officers that are assigned to the camp.

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Major A.D.O.

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Q. Besides the military doctor and the nurse officer and the administration officer there is this H.C. officer. Is that correct?

A. There is also an H.C. officer but I cannot say for sure.

WILLIAMS: I wish to have witness explain more clearly about this H.C. officer.

COURT: Perhaps we could put it this way. Will you ask the witness which officer of H.C. would have anything to do with the supervision of the work of the P.O.'s doctors in the camps?

A. The military doctor that is attached to the P.O. H.C., but this military doctor is only responsible for medical affairs of the P.O. doctors. He is not responsible for their personal affairs.

Q. You said that if the diagnosis of the P.O. doctor is deemed correct that the medical doctor attached to the H.C. should accept or accept this diagnosis. What do you mean by "accept"?

A. We should accept the diagnosis according to his opinion and this information should be passed on to higher authorities.

Q. Then if it is deemed reasonable, do you mean that we should report it to the Camp Commandant?

A. Yes.

Q. In case a person becomes suddenly ill and an operation is necessary and in the camp there is no hospital, the medical officer would apply to the Camp Commandant to have the patient sent to hospital and the Japanese medical doctor has no authority to have the patient sent to hospital - that is the evidence you gave yesterday - is it correct to say that if the Japanese medical officer only applied for the patient to be sent to hospital he has done his duty? Is that correct?

A. If he only applies that is all.

Q. In case of an emergency when a patient must be sent to the hospital but the hospital is filled to capacity and there is no room for a new patient, who is responsible to have this problem solved?

A. I have heard that British medical doctors have extensive authority but in the case of a Japanese medical doctor, he has no such authority and to solve such a problem it is the responsibility of higher authority.

Q. Next, about transportation of patients. In the case of H.C. KUG the camp is on the west side and the hospital is at H.C. KUG and a patient must be sent across the bay. In charge of boats in the bay is a naval detachment or a unit attached to the army. In such a case who would be responsible for transportation of the patient?

A. In the case of H.C. KUG I do not know the details but during wartime in any case transportation is very difficult and it must therefore be done by using all facilities at the camp and I do not think that the medical officer is responsible for the transportation.

Q. Do you think that there would be cases where a medical officer would directly apply to other units for transportation?

A. If the medical officer is not too busy are the patients it would be possible that he would apply to other units for transportation, but I do not think that he would receive such transport because there would be many difficulties.

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Major [redacted]

- Q. Yesterday you testified that if a patient is in danger and a surgical operation is absolutely necessary, the medical officer of the camp has the authority to refuse such a surgical operation. The POW doctor is not responsible for the medical treatment of the patients. The effort is on the ground. Would it arise I think that if in the camp there is no equipment to carry out such an operation, such a problem would arise, is that correct?
- A. I think so.
- Q. In such a case I do not think that the medical officer would have authority to refuse or accept such a surgical operation, but he would only report it to the Camp Commandant, is that so?
- A. That is correct.
- Q. Yesterday you testified if sanitary conditions were bad within the camp he should express his opinion to the Camp Commandant. After he has expressed his opinion and asked for improvement and there is no result, what should he do?
- A. The responsibility in that case is the authority of the Camp Commandant. Since he has already expressed his opinion he should try and then express it.
- Q. He also said that the medical officer would be responsible for direct distribution of the drugs but the responsibility for the drugs themselves was the responsibility of the Camp Commandant and a medical officer is only an auxiliary. Also is the medical officer responsible for reporting for the drugs that are necessary in treating the POW patients or is he responsible for the actual procurement of these drugs?
- A. The POW camp or the POW Camp Commandant should apply to the commissariat, to the stores, or supplies. If the medical officer applied to the stores himself he would not receive anything. But the medical officer is responsible for reporting to the Camp Commandant of the various kinds of drugs that are necessary for the treatment of POW patients. But this responsibility is only within the camp; it is private and has no relation with outside. Sometimes there is the case when a medical officer under the orders of the Camp Commandant would actually take part in procurement of drugs from the Medical Department of the Governor General or sometimes with Staff HQ, but in the latter part it would be quite difficult because the line of command would be different. In the army there is such a thing as a petition and if the Camp Commandant would petition to the Governor-General for drugs, this would be the most effective method of procuring drugs.
- Q. Hypothetically, if in 1945 during the occupation there was a large quantity of drugs, could the medical officer of a POW camp actually himself procure these drugs?
- A. The Governor-General would be directly in control of these drugs. Not only the POW camp but other units are strictly prohibited to use these drugs.
- Q. Yesterday in answer to a question whether a medical officer could refuse an application for the improvement of sanitary conditions in the camp you said that in case of necessity it could be thought that he could not accept such an application but he could only report the affairs to the Camp Commandant; is that correct?
- A. That is correct.

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Major H.D.C.

Mr. SWHIA: There is something I have forgotten; there is a question I wish to ask about camp commanders.

- Q. Yesterday you testified that the Camp Commandant could not of his own authority establish branch camps but he must receive sanction from higher authority such as the Commander in Chief. For instance, for the case of any officer of administration the Camp Commandant must establish camps or disband. That matter is left to the camp commanders of these newly established branch camps have with the other branch camps?

TRUSLOWICK: There seems to be an ambiguity there.

CO RT: There was a question in the first part of the question. The first of all is the Camp Commandant could not establish branch camps without the higher authority or he is in violation of the law of the Convention of Administration. Can he or can he not?

DEFENSE: I know that the Camp Commandant cannot establish branch camps, but for instance if there are camps scattered in a large area and the Camp Commandant appointed officers to look after the camps that are scattered in a large area that is under the name of a branch commander, what would be the difference in authority of such a camp commander and that appointed by the Commander in Chief - for instance the camp commander of a camp in HAWAII, HAWAII, who is appointed by the Commander in Chief in HAWAII.

- A. If there is such an instance when the camp commander would appoint privately officers to take care of camps scattered in a large area, it is something private and not official. Therefore it is not to be considered as an official situation but only private.

The Court goes into temporary recess *at 11:30 by REC*
The Court re-assembles *at 11:55 by REC*

RE-EXAMINATION:

- Q. The Intendence officer who is appointed to a POW Camp, does he belong to a special department or Intendence Corps in the Japanese army?
- A. The Intendence officer is an officer attached to the POW camp. I do not know details about the POW camp but in my opinion if the camp is very small an officer besides an intendence or medical officer would ~~xxx~~ do internment duties.
- Q. Is there an intendence corps, a quarter-master corps, but we call service corps?
- A. There is.
- Q. A high ranking officer of that service corps, is he also known as an intendence officer?
- A. No, the service corps in the Japanese army is fighting unit and a high ranking officer of such a corps is not known as an intendence officer. But in the Japanese army there is an intendence department: an officer of the intendence department is a department officer - he is different from an officer of a fighting unit.
- Q. The Intendence officer who is appointed to a POW camp, would he be under the command of the intendence department officer, or department officer, or would he be just a soldier?
- A. His status is not of a fighting officer but he is under the supervision of the unit where he is assigned.

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A. (Cont'd.) In the case of the first, it is very small, to stretch an officer of a platoon into a platoon for its normal duties.

Q. In regard to the supply of food to the camp, is there a department that is responsible for providing the supply of food from the depot to the camp?

A. That is the duty of the officer in charge of the camp, but it is not a supply depot in itself.

Q. Is it the duty of the officer in charge of the camp to provide the supply of food to the camp?

A. Yes.

Q. And who is in charge of that food supply, what kind of officer?

A. Most probably he would be a departmental officer, i.e. an independent officer.

Q. When the independent officer is in charge of the camp, does he have to provide the supply of food to the camp?

A. The supply of food is provided by the camp, but the independent officer is in charge of the camp.

Q. The supply of food is provided by the camp, but the independent officer is in charge of the camp, is that correct?

A. Yes, that is correct.

Q. In the case of a medical officer, you have told me that the ordinary responsibility of the medical officer is in a camp according to your experience in F.O.M.S. If you were to be told that the medical officer is in charge of the camp, would you say that the system was different in the camp or that the medical officer was acting contrary to regulations?

A. I do not know the details, but I think that for the most part it is in the regulations, i.e. in the regulations that the medical officer is in charge of the camp, but the regulations say that the medical officer would be allowed to hospitalize patients without referring it to the Camp Commandant, in that case he could on his own hospitalize a patient.

Q. Would the converse also be true if such a regulation exists, that is, that the medical officer could refuse, on his own responsibility, to hospitalize a patient in the camp?

A. If there is such a regulation in the medical sector, the medical officer could not refuse but must have the patient hospitalized.

Q. In regard to the transport of medical supplies, does the camp have any organized supply system?

A. In the camp, there is only a limited number of supplies, but in the case of small hospitals, there are no supplies.

Q. But the medical supplies are in the camp, is that correct?

A. That is correct.

Q. Now, if the medical officer is in charge of the camp, if he is in charge of the camp, does he have to provide the supply of food to the camp?

A. Yes, that is correct.

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Under A.D.

- Q. The camp commander of sub-camp, for instance, has the camp commander of the officers' camp, to whom he is directly responsible, is the Camp Commandant as to the number of prisoners in over the Camp Commandant?
- A. He would be responsible to the Camp Commandant.

THE CAMP COMMANDANT.

- Q. He may told the Court that the office of the Camp Commandant is responsible for the food. To whom is he responsible for the food and distribution of the food?
- A. He is responsible to the Camp Commandant for routine matters, i.e. the report to the Camp Commandant of the number of prisoners that should be supplied with food. The Camp Commandant is the one who is responsible for the food and distribution of the food.
- Q. The Camp Commandant is responsible for the food and distribution of the food. He is responsible to the Camp Commandant for routine matters, i.e. the report to the Camp Commandant of the number of prisoners that should be supplied with food. The Camp Commandant is the one who is responsible for the food and distribution of the food.
- A. He is responsible to the Camp Commandant.
- Q. Is it right to say that the Camp Commandant was responsible that the officers of the various branches under him, the medical, the administrative officer, the intelligence officer, the medical officers do their work to him?
- A. Yes, I agree.
- Q. Is it right that the Camp Commandant gave the Japanese officer to the inferior, whether it is an IGO or soldier, was to obey the Camp Commandant's orders?
- A. That is correct.
- Q. Therefore if a Japanese officer, whether he was the camp commander or some other officer in the camp, if he was to see a guard strike or beating a prisoner, would he order him to stop beating him and the guard would have to obey, is that right?
- A. The guard must obey.
- Q. Therefore if a guard was to strike a prisoner in the presence of a Japanese officer and he would attempt to stop him from doing so, would the Japanese officer order him to stop or would he order him to strike or that he approve of him doing so?
- A. It could be that he would order, or that he approve, or that he ordered.
- Q. When the camp commander or some other officer in the camp, if he was to see a guard strike or beating a prisoner, would he order him to stop beating him and the guard would have to obey, is that right?
- A. Yes, I agree.
- Q. Therefore if a guard was to strike a prisoner in the presence of a Japanese officer and he would attempt to stop him from doing so, would the Japanese officer order him to stop or would he order him to strike or that he approve of him doing so?
- A. It could be that he would order, or that he approve, or that he ordered.

At 12, 1945, the Court heard the testimony of the witnesses.

NO. 5 WAR CRIMES COURT.

26TH DAY'S Proceedings of the Trial of Col. TOKUTOMI Isao,
Capt. SAITO Shunkichi, Lt. TANAKA Hitoshi, Interpreter TSUTADA
and Sgt. HARADA Jotaro:

(Held at Jardine Matheson's East Point Godown)
~~The Court was assembled at~~

On Thursday, 2 January, 1947, at 1000 hrs.

COURT: Have you been able to trace this man LAU KAM?

PROSECUTOR: He is not back in the Colony. It is not a question of tracing him; we know his home is here and he is away in CHINA on a job and is not back, as far as we know. So I will have to read his affidavit. I wonder if it is possible, if he did turn up in the future - even though the Prosecution has closed - if he could be brought into Court to substantiate the affidavit, and also possibly for the benefit of the Defence in cross-examination.

COURT: I think there should be no objection to that, provided that when he did appear, the Prosecution do not interrogate him further, outside his affidavit.

PROSECUTOR: I was going to suggest that he might be called as a Court witness and any interrogation would be put through the Court. If you like I could put the questions.

COURT: That would be all right.

PROSECUTOR: I had one more application to make in regard to the calling of witnesses, as to Mr. MATSUDA. If you recall MATSUDA in giving evidence in respect to the 11th charge in regard to the maltreatment of 2 unidentified Chinese drivers and Lt. HADDOCK put the date as 1943 and the Chinese amah, who of course mentioned no names, described what the Prosecution thought was the same event giving the date as 1944. Now, Mr. MATSUDA is sure it was 1943 and is sure it was not 1944 because he says at that time the house was what we should call "de-requisitioned". That is what I like him to put in the record.

COURT: I see no objection to that.

37 WITNESS FOR THE PROSECUTION - Mr. MATSUDA (Recalled)

COURT: Will you remember that you are still bound by your original oath?

EXAMINATION IN CHIEF.

- Q. Giving evidence in respect to the 11th charge, i.e. alleged ill-treatment of 2 unidentified Chinese drivers and Lt. HADDOCK one of the British POWs, you said that the date was approximately August 1943. I would like you to tell the Court if you can now you could determine that that date was 1943 and not, for instance, 1944.
- A. 1943, August 15, I left for JAPAN and this incident took place just about 3 weeks before I left for JAPAN. Also this house, No. 167 or 170 returned to the Chinese owners in the year 1944, about March. I think it was in the Spring of 1944. Another thing, the senior officers - Maj. Gen. MALLEY and Comdr. COLLINS left, about 17 senior officers and 7 batmen. They were drafted to JAPAN towards the end of July or the beginning of August 1943. Just at the same time Col. FETTER and HADDOCK were arrested. So this was 1943. Maj. Gen. MALLEY left for TAIWAN in August or the end of July 1943. Another thing, the Accused Interpreter TSUTADA was drafted South at the end of 1943, November if I remember right.

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Mr. MATSUDA.

- Q. I think we are quite sure that the incident took place in 1943. What the Court would like to know I think is the possibility of a similar incident having occurred in 1944 or 1942 in that particular House in ARGYLE Street.
- A. It was requisitioned towards the end of 1942.

COURT: You mean that the POW HQ did not take over 167 until the end of 1942?

- A. That is right, in November.

Q. And de-requisitioning of the house came in what month did you say?

- A. 1944, Spring or Summer.

COURT: When did you return from JAPAN?
12 October, 1943.

COURT: How did you learn that the house had been given back to the original owner?

- A. Because at the time there was TANAKA, HASEGAWA and HARA who used to live in that house; they shifted over to PRINCE EDWARD Road then.

CROSS-EXAMINATION: MR. FUSZAK

- Q. You said that in November, 1943, TSUTADA was sent to the South. Does that mean he actually left on that date or did he quit working at the POW camp on that date?
- A. He was transferred.

Q. Was he not transferred before that date?

- A. He was transferred before that date but left for the South actually on that date.

Cross Examination by MR. HASEGAWA declined. REC

ReExamination declined.

No Questions by the Court.

the extracts furnished by the Prosecution with REC

(The Court check over the extracts from the diary of Mr. T. FUSZAK *written for*
Extracts 1 to 10 are correct. Extracts 11, 12 and 13 are not
correctly taken and must be done again and will be re-checked
by the Court.)

13th WITNESS FOR THE PROSECUTION - Dr. ANDERSON (Recalled)

COURT: Will you remember that you are bound by your original Oath.
EXAMINATION: MR. CHIEF.

- Q. (Handing documents) Are you able to say whose signature that is, from your own knowledge?

- A. That is the signature of Lt.-Col. D.C. BOWIE, 6/6 at BOWEN Road and later at Central British School.

PROSECUTOR: That is the signature on the affidavit marked "In the matter of the ill-treatment of POWs, HONG KONG, sworn at 6, Spring Gardens in the city of Westminster, 23 Nov. 1940". It is U(1).

- Q. Will you take communication of Exhibit U(1), the second sheet, statement of Lt.-Col. D.C. Bowie and tell the Court if you recognize the signature of Col. BOWIE?

- A. That is the signature of Lt.-Col. D.C. BOWIE.

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Dr. ALDERSON.

- Q. Will you take communication of the document marked "DCB(4)" presumably by the Captain, Legal Staff, which is headed "Dai Ichi . . . 9 Jan. 45". It is addressed to Capt. SAITO, signed by DONALD C. BOWIE. Is that the signature of Lt.-Col. BOWIE?
- A. Yes, that is the signature of Lt.-Col. D.C. BOWIE.
- Q. Also the document headed "DOB (3)" signed "DONALD C. BOWIE" dated 28.8.45 and signed by S. SAITO. This is a copy. Do you recall the document?
- A. Yes, I was present with Lt.-Col. BOWIE, with Capt. SAITO and HASEGAWA and this was signed by Capt. SAITO and myself, Col. BOWIE and HASEGAWA.
- Q. Finally there is the certified true copy dated 28.8.45, certified by DONALD C. BOWIE and apparently having been signed by you. Can you tell the Court what that document is and if you signed it?
- A. Yes, this document was signed at the same time as the previous one, on 28 August last year (20 vi ushigahira 1945) in my presence. I witnessed the signatures of Capt. SAITO along with Lt.-Col. BOWIE and Mr. HASEGAWA.

Cross-Examination declined.

QUESTIONS BY THE COURT:

- Q. Did you ever see, at any time, any correspondence which passed between Major-Gen. LALBY and Col. TOKUNAGA?
- A. No, I did not see any correspondence; Maj.-Gen. LALBY was never in the hospital or any place where I was.

(No more questions)

The witness stands down RCU

PROSECUTOR: In regard to Mr. ZINDEL's affidavit, I want directions from you if you will be kind enough. The charge says: "Misappropriated for his own use . . . Commandant in HONG KONG." There is reference made to "pocket money" in this affidavit - would that come under the term "other comforts"?

COURT: Yes, the Court are quite satisfied in regard to "pocket money" which was sent to POW camps. That can be ~~xxx~~ classed as "comforts" sent by the Red Cross.

PROSECUTOR: My other question is this: in this charge it says, "Commandant of all POW camps in HONG KONG": that is in the preliminary charge. Later on it says "intended for the POWs interned in HONG KONG". Now does the Court consider the term "POWs" is restricted to military POWs, or does it include civilians here prisoners because of war?

COURT: As far as the term "POW" goes, the Court are of the opinion that that must be held to be personnel of the services, ~~of the military~~, who are taken prisoner by the enemy. It ~~does~~ not apply to civilians.

PROSECUTOR: In that case, there is part of this affidavit which deals with STANLEY civilian internment camp which we will omit.

continues to RCU

(Prosecutor reads affidavit of Mr. ZINDEL, beginning from Page 10 "TIA HARU.." omitting irrelevant passages and ~~xxx~~ the attached documents, detailed lists of goods and pocket money.)

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Major PUDDICOMBE.

6th WITNESS FOR THE PROSECUTION - Major PUDDICOMBE (Recalled)

COURT: Will you remember that you are still bound by your original oath?

Witness: The document which I have in my hand is the summary of examination of LAU KAM, signed by him, attested by an Interpreter KWOK Po Man, made by Lt. J. W. FALLIS, RMVR. I identify the signature of Lt. FALLIS and I have exhibited the statement to LAU KAM himself. If further identification is necessary, Mr. KWOK will be available.

COURT: When you showed this statement to LAU KAM, did he acknowledge his signature and say it was his statement?
A. I cannot say that. When I say I exhibited it to him, we went over the ground that he told us of in the affidavit and I was following what he said from that. It was not a formal identification of any kind.

Cross-Examination declined.
No Questions by the Court.

51ST WITNESS FOR THE PROSECUTION - Mr. KWOK.

On being sworn is examined by the Prosecutor.

Q. Is your full name KWOK Po Man?
A. Yes.
Q. Will you tell the Court what your nationality is?
A. Chinese, born in HONG KONG.
Q. You are a British subject?
A. Yes.
Q. What is your present employment?
A. I am a senior clerk in the War Crimes Investigation Unit.
Q. Do you speak Cantonese?
A. Yes.
Q. Will you take communication of this document which is headed, "Summary of examination of LAU KAM" and tell the Court if your signature is on it and whether you saw LAU KAM sign the document?
A. That was my signature and I saw LAU KAM sign the statement at the time.
Q. Do you know the signature above the page?
A. Yes, Lt. FALLIS.

Cross-Examination declined.
No Questions by the Court.

(Affidavit of LAU KAM is read by the Prosecutor, handed to the Court, initialed by the President, marked 3(4) and attached to the proceedings.)
REC

The Court goes into temporary recess at 11.30 to 11.40

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The Court re-assembles ^{at 11:55 to RCU}

(Extracts Nos. 12 and 13 from the diary of Mr. T^{RCU} are checked, marked T(4) and attached to the proceedings. ^{RCU} and four copies. The whole exhibit is submitted by the ^{RCU} and PROSECUTOR: That concludes the evidence for the Prosecution.

COURT: Col. TOKUNAGA: It is my duty now to ask you whether you or any of the other Accused desire to give evidence upon Oath. You need not give evidence on Oath. If you prefer, you may make a statement on the facts of the case from the dock, not on Oath, or you may hand in a written statement which would be read by your Counsel and attached to the proceedings. It is my duty to warn you, if you give evidence on Oath you will be cross-examined by the Prosecutor and you may be asked questions by the Court. If you do not give evidence on Oath but choose to make a statement from the dock or put in a written statement, no one can ask you any questions. I must also warn you that the Court will attach more weight to a statement made upon Oath which can be cross-examined, rather than a statement not made on Oath, which cannot be tested by cross-examination. Do you understand that?

Accused TOKUNAGA: Yes, I understand.

COURT: Capt. SAITO, do you understand?
A. Yes.

COURT: Lt. TANAKA, do you understand?
A. Yes.

COURT: Sgt. HARADA, do you understand that?
A. Yes.

COURT: Interpreter TSUTADA, do you understand that?
A. Yes, Sir.

COURT: Col. TOKUNAGA, knowing all that do you wish to give evidence on Oath?
A. Yes, I wish to make a statement upon Oath.

COURT: Capt. SAITO, do you wish to give evidence on Oath?
A. Yes, I do.

COURT: Lt. TANAKA, do you wish to give evidence on Oath?
A. Yes, I do.

COURT: Sgt. HARADA, do you wish to give evidence on Oath?
A. Yes, I do.

COURT: Interpreter TSUTADA, do you wish to give evidence on Oath?
A. Yes.

COURT: Mr. FUJITA, have you any other witnesses to call besides the Accused?

A. I have 5 witnesses to call concerning the facts of the case.

COURT: They are witnesses to facts and not to character?
A. Witnesses to facts.

COURT: Mr. HAZEGAWA, have you any witnesses to call apart from those referred to by Mr. FUJITA?

A. My witnesses are the same as Mr. FUJITA's.

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Col. TOKUNAGA.

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COURT: Are you ready to start your Defence now?

A. My preparation for the Defence is ready.

COURT: Do you wish to put in a preliminary address to the Court?

A. I have not many witnesses to call so I wish to begin my defence right away. I wish to call Col. TOKUNAGA.

1st WITNESS FOR THE DEFENCE:- Col. TOKUNAGA Isao (Accused)

On being affirmed is examined by the Defence Counsel.

Q. Give your name, age and rank.

A. TOKUNAGA Isao, 59 years of age, Army Colonel.

Q. When did you come to HONG KONG?

A. 24 January, 1942.

Q. In HONG KONG what sort of army duty did you do?

A. I was Commandant of the POW camps in HONG KONG. I was also the Commandant of the HONG KONG internment camp.

Q. When were you first posted as Commandant of the POW camps in HONG KONG?

A. I do not remember the exact date but I think it was 15 January, 1942.

Q. When you came to HONG KONG was there a predecessor Commandant of the POW camps?

A. When I came to HONG KONG there was a temporary POW camp in HONG KONG. On 31 January, 1942, I took over the temporary POW camp and it became a POW camp.

Q. When you took over the routine of the temporary POW camp on 31 January, 1942, please give briefly the equipment of the temporary POW camp.

A. I took over the duties of the POW temporary camp at noon on 31 January, 1942, and at that time the temporary POW camp had been in existence only for a short time. Therefore it was in quite a confusion.

Q. At noon on 31 January 1942 the POW camp was actually formed and from that date you were responsible for the camp, is that correct?

A. When I received the charge sheet it was dated from 21 January 1942. When this charge sheet was given to me it was said that the date on application could be changed to 31 January, 1942.

Q. Under what basis are the POW camps regulated?

A. Under the regulation stipulated by the War Department which is called "POW Regulation" or rule. Besides that the War Department stipulates a regulation and there is also a regulation on the basis of this War Department regulation by the commander locally.

Q. Under whose control were the POW camps in HONG KONG?

A. Under the control of the Governor-General of HONG KONG.

Q. What was the status of the HONG KONG Governor-General?

A. He was a military officer and up till December 1944 it was Lt.-Gen. ISOGAI Densuke. After that date he was the Commander in Chief of the 23 Area Army when Lt. Gen. IMAI Hisakazu took over.

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Col. TORREY.

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- Q. The word "Governor-General" is used, but the administration of HONG KONG, was that a military affair or a civilian?
- A. Actually the Governor-General means the Governor of the Expeditionary Area of HONG KONG, but he was usually called the HONG KONG Governor-General and it was a military administration.
- Q. What was the relation of the HONG KONG POW camp Commandant and the Governor-General of the HONG KONG Expeditionary Area?
- A. The POW camp in HONG KONG was a direct unit under the Governor-General and therefore it was under the direct command of the Governor-General.
- Q. Were there any regulations to control the HONG KONG POW camps?
- A. There were several regulations stipulated by the War Department as follows:- the POW camp regulation, the POW treatment regulation and the POW detail regulation. Besides these there were many other regulations. On the basis of these regulations stipulated by the War Department the Governor-General would make special regulations concerning POW camp regulations in HONG KONG. Also there were orders from higher authorities and also the Governor-General would make special regulations on the basis of these orders to meet the actual situation locally.
- Q. From the testimony of various witnesses it has been made clear that there were several camps in HONG KONG, i.e. SHAM SHUI PO, NORTH POINT, ARGYLE Street, etc. Is that correct?
- A. That is correct.
- Q. That was the position of these camps, SHAM SHUI PO, NORTH POINT and ARGYLE Street, with the HONG KONG POW Camp?
- A. All these camps were under my direct supervision and I appointed various officers to look after these camps, who were also under my direct control.
- Q. Concerning the POW camps generally, is it possible to make branch camps? I do not mean only in HONG KONG but generally concerning POW camps.
- A. Generally speaking, to establish branch camps it is necessary to have the permission of the supervisor locally or the War Minister.

At 1230 hrs. the Court adjourn until 1400 hours.

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2nd January 1947.

The Court re-assembled at 1400 hours.

EXAMINATION IN CHIEF -- Col TOKUNAGA (ACCUSED) Cont.

- Q. This morning I asked you about branch camps, SHAM SHUI PO Camp, NORTH POINT Camp, and ARGYLE STREET Camp, what relation have these camps with an official branch camp?
- A. At first the SHAM SHUI PO Camp, NORTH POINT camp and ARGYLE STREET camp were named branch camps but according to regulations from War Department, because the camps in Hong Kong were in one area, therefore, these camps were not known officially as branch camps. Like I said before these camps were under the supervision and command of the Camp Commandant.
- Q. In the testimonies of various witnesses the word "Camp Commander" was used, could you explain the word "Camp Commander"?
- A. The man in charge of the camp was called the Camp Commander.
- Q. What sort of officers were posted as Camp Commanders of these Camps?
- A. Officers of the POW Camp such as Lieutenants, Captains and Military doctors -- these were attached to the camps.
- Q. As Camp Commandant, what authority did you have over the Japanese who worked in the POW Camp and over the POWs, will you explain the two separately?
- A. Concerning the Japanese staff, guards, officers and N.C.O's, under orders, were attached to the Camp.
- DEFENCE: Accused seems to have misunderstood the question.
- Q. I did not ask you what the Japanese staff was made up of, I asked you what authority the Camp Commandant had over the staff?
- A. The staff and the guards were under my direct command -- they were direct subordinates. As these men were my direct subordinates I was directly in charge of supervising and instructing these men. Also, I had the authority to punish these men. About guarding, at first a special guard party was sent from a neighbouring unit. These guards would come under the Command of the Camp Commandant. If there was a mistake on the part of a guard, the Camp Commandant would inform the Commander of the unit from which these guards came and would ask that Commandant to have the guard punished. The POWs were treated in accordance with the regulations.
- Q. The senior officers attached to the various camps, what authority did they have over the Japanese staff and the POWs?
- A. The head of these camps did not have authority to punish members of the Japanese staff. Such an officer was responsible to the Camp Commandant for the members attached to his camp. Also, concerning the POWs, such an officer had the right to control and observe the POWs and, when necessary, he would report to the Camp Commandant. In other words, he would act on behalf of the Camp Commander and the Camp Commandant would have overall responsibility.
- Q. Concerning the POW camp in HONG KONG, was there any regulation stipulating the treatment of the POWs?
- A. There was.
- Q. Do you remember the name of the regulation?
- A. Hong Kong POW Control Regulation.
- Q. Under what procedure was this regulation made?
- A. This regulation was made by the Governor General on the basis of regulations set down by War Department.
- Q. Concerning the office routine of the Hong Kong POW Camp, was there a special system made by the Japanese?
- A. The Hong Kong POW Camp Service Regulation.

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EXAMINATION IN CHIEF -- Col TOKUNAGA (ACCUSED) Cont.

- Q. Who was in the main responsible for office routine in the POW Camp?
- A. This office routine was divided between the POW Camp H.Q. and other camps. In the POW Camp Hq. there were General Affairs Section, Information or Intelligence, next came Intendance and Sanitary. About guarding, according to the occasion, sometimes the guards were attached to POW Hq. and sometimes they were attached to other camps.
- Q. There was testimony that there was an Adjutant present, could you explain that?
- A. The Officer in charge of General Affairs was usually called the Adjutant.
- Q. About these various sections, could you give briefly an outline of what sort of work they did?
- A. The General Affairs section would take care of liaison and control within the camp and would take care of liaison with ~~outside~~ outside and would be in charge of making and carrying out all orders.
- Q. Would you explain about the Intendance Section?
- A. I am still explaining about the General Affairs Section. -- Also this section was in charge of personal affairs. And besides these duties it would be in charge of all other duties that do not interfere with the duties of Information, Intendance or Sanitary.
- Q. If you have finished explaining about the General Affairs Section please explain briefly about Intendance Section?
- A. I was just explaining about General Affairs Section -- now I will explain about the Intendance Section. The Intendance Section dealt with money affairs, that is, payments, purchase, payment of labour, and things that concerned money matters; clothing, rations, accommodation (furniture and things like that). General supplies and the distributing of these supplies. These were the sort of duties this Intendance Section did.
- Q. Then next will you explain about the Sanitary Section?
- A. The Japanese military doctor would be responsible for the diagnosis and treatment of all Japanese officers and men. Concerning the POWs, the POW Medical staff would be responsible for the treatment of POW patients and the Japanese military doctor would only supervise and control this POW Medical staff.
- Q. Explain briefly the Information Section?
- A. The Intelligence Section was in charge of making documents; also it was in charge of making and keeping all POW nominal rolls; also it was in charge of POW correspondence. The interpreters that were at POW Hqs., because of their duties were attached to Information Section.
- Q. Do you mean that when they were with Information Section they worked in the same room, is that correct?
- A. That is correct.
- Q. The heads of these various sections, what authority did they have?
- A. The senior officer, that is, the Officer that was head of the section was responsible to the Camp Commandant for everything that concerned his section.
- Q. Did the heads of the various sections have any special authority?
- A. The Intendance and Sanitary sections -- these dealt with independent sort of work but with that of Information and General Affairs Sections, they did not necessarily need an experienced officer.
- Q. I am asking you if the heads of these various sections, in accordance with regulations, had any independent authority?
- A. Could you clarify your question?

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EXAMINATION IN CHIEF -- Col TOKUNAGA (ACCUSED) Cont.

- Q. The heads of these various sections, that is, General Affairs, Intendance and Sanitary, did they have the authority to decide any matter concerning their section independantly, according to the regulation?
- A. Generally speaking they did not have the authority to settle matters, but sometimes it was within their authority to decide matters.
- Q. Do you know the various accused?
- A. I do not understand the question?
- Q. Are you acquainted with the Accused?
- A. I know them.
- Q. What was the duty of Doctor SAITO?
- A. He was in charge of Sanitary Affairs in the POW Camp. He was the Medical Officer.
- Q. What duties did Lt TANAKA have?
- A. First of all he was in charge of Information Section, later he became in charge of one of the camps, then later he was head of General Affairs Section.
- Q. Then about Sgt HARADA?
- A. I know him because he was working in the camp at Hqs. as my subordinate.
- Q. What were Sgt HARADA's main duties?
- A. He was attached to the POW Camp and sometimes he was an NCO at the camps or sometimes he was NCO at POW Hqs. He worked under the orders of the officers.
- Q. About interpreter TSUTADA, in what language was he an interpreter?
- A. Interpreter TSUTADA was an English interpreter.
- Q. Did you know whether Interpreter TSUTADA knew any other foreign language besides English?
- A. He was very fluent in English but I do not know whether he knew any other language.
- Q. In one of the statements by a witness it was said that interpreter TSUTADA was also fluent in the German language, do you know anything about this?
- A. I absolutely do not believe that.
- Q. Until when did Interpreter TSUTADA work at the POW Camp?
- A. I think it was 31st August 1943 when he received an order to be transferred to the South. But at that time there was no shipping accommodation; therefore, it was about two months before he left but during that time he was no more a member of the POW Camp and as such he did not do any work at the Camp.
- Q. Where was the POW Hqs. situated?
- A. It was situated at KWA HATSU DO, KOWLOON. (Accused mentions the Chinese name for Hqs.)
- COURT: Ask Mr. Fujita if he would like to show the photographs in Exhibit H(4) to Col TOKUNAGA to see if he recognises it. Many of the witnesses say it was situated in FORFAR STREET -- is that the same name.
- DEFENCE hands Exhibit H(4) to Accused -- which photograph was Hqs.
- ACCUSED identifies Nos.6 and 7 in Exhibit H(4) -- Pow Hqs.
- Q. Before you explained about the guards, would you now explain

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EXAMINATION IN CHIEF -- Col TOKUMAGA (ACCUSED) Cont.

more in detail about these guards?

- Q. About these guards, what sort of people were used as guards?
- A. Guarding could be divided into two parts; the first part were guards who were posted from a Japanese unit. This took place up till the 31st October 1942. The second part concerned the Formosans who were conscripted in Formosa and instructed as guards. The first part, that is the Japanese guards, these were called the Guarding Detachment; they were responsible to the Camp Commandant in matters concerning the guarding of POWs and the second part, the Formosan guards, these were instructed at the camp to become Camp guards and as such they were my direct subordinates. Therefore they were under my direct supervision and control. About the Japanese Guarding Detachment, this Detachment was sent by a Unit and these guards were under an officer from that unit. These guards were trained guards and were under the supervision of the officer. The Camp Commander or sometimes an officer sent by the Camp Commandant would go to this officer and inform him of matters concerning guarding, and the guards would be instructed accordingly by the officer. There were cases when a POW escaped because of neglect of duty by the guards and the Camp Commander, in such a case asked the unit to have the officer in charge of the guards and the guards concerned to be punished. There were such cases.

- Q. About the Formosan guards, in what way were these guards controlled?

- A. These guards were under my direct command and when they first came I asked Lt HARA to have them fully trained but the instructions to these guards were not sufficient and while they were on duty they were still training in matters of guarding. When these guards were on duty the Camp Commander or sometimes an officer sent by me would inspect the guards and if they found any mistake they would be corrected on the spot.

- Q. Like in the Hong Kong Camps which were scattered over a large area, were there guards specially attached to one camp or how were they given their duty?

- A. For a place like the Hong Kong hospital there was an independent guard group but the other guards were all gathered at SHAN SHUI PO Camp and from there they were despatched to the various camps.

- Q. About this Lt HARA whom you mentioned a while ago, was he in charge of instructing and supervising the guards?

- A. At first he was but later he became head of the Internment Camp and therefore he could not carry out his former duty.

- Q. For instance, like the Officer's Camp in ARGYLL STREET, what relation did the officer in charge of that camp have with the guards?

- A. About your question just now do you mean the guards?

- Q. I mean the Formosan guards?

- A. As these guards were posted for duty to guard the camp, the Camp Commander would be responsible for the guards.

- Q. In the case of a guard committing an illegal act, what authority did the Camp Commander have -- could the Camp Commander take steps against this act?

- A. Concerning illegal acts -- there are various kinds of illegal acts, therefore, if the Camp Commander could stop any illegal act, he should do so and report the matter for further orders to the Camp Commandant.

PROSECUTOR: There seems to be some confusion about this question of Camp Commander and Camp Commandant, may I have this clarified.

COURT: Ask Accused if he is referring to himself when he mentions Camp Commandant?

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EXAMINATION IN CHIEF -- Col TOKUNAGA (ACCUSED) Cont.

WITNESS

ACCUSED: That is correct.

COURT: Will you tell ^{Witness} Accused and Defence that it would simplify matters for the record and for Prosecution if Col TOKUNAGA will continue to refer to himself as Camp Commandant; if he has to refer to an officer in charge of SHANSHAI PO, ARGYLL STREET, or NORTH POINT Camps, will he refer to him as Officer in charge of the camp.

Q. What authority would the Officer in charge of the camp have to punish the guards?

A. The Commander in charge of the branch camp has no power to punish.

Q. If there is anything you wish to say about the discipline of the guards will you do so now.

A. After the guards were first instructed their discipline was very satisfactory but gradually it deteriorated. It is embarrassing for me to say so as I was in charge of the supervision and control of the guards but one year before the surrender, their discipline became very bad. As the cost of living in Hong Kong went up, robbery, desertion and taking things of the POWs to sell in the market, and stealing within the camp became rampant. It is a shame for me to say this now but, to be frank, I was punished by the Governor General about this matter and I tried my best to have the matter corrected, but until the surrender I could not do much. Also, the Commanders in charge of the camps did their best but they could not improve the matter.

Q. About these deficiencies, concretely speaking, what steps did you take to improve the matter?

A. When opportunity permitted, the Commander in charge of the Camp and myself went as often as possible to the guards and instructed them, and offenders were punished. Also, among the guards there were some of good character and these were asked to lead mutually their comrades away from illegal acts. Also, the guards posted at the guard house often made mistakes and therefore inspections were increased so as to keep watch over them.

Q. I forgot to ask you a while back but until when was the Accused Lt TANAKA posted at the Camp?

A. Until February 1945.

PROSECUTOR: Sir, will you ask which camp?

COURT: Which Camp was this?

ACCUSED: At the POW Hqs. Camp. He was head of General Affairs.

Q. Then you mean he was head of General Affairs until February 1945?

A. Yes.

Q. When you became Camp Commandant of Hong Kong POW Camp how many POWs were interned in the camp?

A. A little over 10,000 -- about 11,000 POWs.

Q. At the time of the surrender how many POWs were interned?

A. Almost the same number were interned.

COURT: When Accused mentioned "surrender", which "surrender" is he referring to?

DEFENCE: I will re-question Accused.

Q. When you took over your duties you said that there were about 11,000 POWs -- at the time of the Japanese capitulation how many POWs were interned?

A. I think about 2,500.

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EXAMINATION IN CHIEF -- Col TOKUNAGA (ACCUSED) Cont.

- Q. To supervise such a large number of people was there a special system in force?
- A. In the various camps a POW representative and also a POW supervisor were appointed.

COURT: Two POWs were appointed to do various duties inside the Camp, is that correct?

WITNESS ^{REC}

ACCUSED: That is correct.

COURT: By whom were these men appointed?

WITNESS ^{REC}

ACCUSED: The POW representative was appointed by myself -- inside the camps various people in charge were appointed by the POWs themselves. I will now give you what they were in charge of -- they were in charge of rations, clothing, sanitation, labour, physical exercises, entertainment and the Canteen -- they were in charge of such things.

- Q. How were the orders of the Camp Commandant passed on to the POWs?
- A. The orders of the Camp Commandant were passed through the Commander in charge of the camp to the POW representative. The POW representative would then pass on these orders to the various people in charge. Concerning matters of importance, sometimes I would directly give the order to the POW representative.
- Q. As Camp Commandant, what was the policy you wished concerning the treatment of POWs?
- A. To explain this it would take some time, but I would like to do so.

When I received the order to proceed to Hong Kong as Commandant of the Hong Kong POW Camp, before I left I visited the head of the Tokyo Information Bureau, run by War Department. This was in the middle of January 1942. There were two important points; the first point was to treat the POWs in accordance with the International Law, that is, to treat them philanthropically; they should not be ill-treated. About the Geneva Convention concerning the treatment of POWs, Japan has signed the Convention, but she did not ratify the Convention. It may be necessary to treat the POWs according to the special circumstances of Japan.

PROSECUTOR: I am not quite sure whether these were instructions to the Accused or whether this was an ^{discussion} argument before he left Japan -- may I have this clarified.

COURT: This point about the Geneva Convention, was this said to the ^{Witness} Accused when he took part in the interview in TOKYO?

WITNESS

ACCUSED: I am explaining to the Court what I was told at the meeting in TOKYO.

Such matters were under consideration and as they were settled they will be passed on to you. This was the first point that was discussed with me.

The second point was that the POWs might attempt escaping and it was the responsibility of the Camp Commandant to prevent any POWs escaping. If the POW Camp Commandant let any POWs escape, the camp would be valueless as a POW Camp. Therefore, every possible means should be taken to prevent the POWs from escaping.

At 12 noon on the 31st January 1942 when I became Commandant of the POW Camp in Hong Kong, I gathered the Japanese staff and informed them of my policy as follows:

I specially emphasized that the Japanese staff of the POW Camp were inexperienced in the treatment of POWs. The first point

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EXAMINATION IN CHIEF -- Col TOKUNAGA (ACCUSED) Cont.

that I expressed was that the POWs should be treated according to the International Law -- humanely. The line of thought of the Japanese and that of various other countries concerning POWs is quite different, that is, in any foreign country -- America and England -- a POW is considered as an honorary position. In Japan to become a POW would be a disgrace and rather than be a POW it would be better to die. That is what I expressed. This is the most important point in the line of thought of a Japanese and other people, therefore, one must be very careful concerning this point.

Continuing, I told the staff that you have just been fighting and taking part in the operation in Hong Kong and that many of your comrades have been killed or wounded. Therefore, because of this it is very easy to understand that you should have a sense of hostility. As members of the staff to work in a POW camp you should not be so narrow-minded. This point you must bear in mind and do your work broadmindedly. In the Hong Kong operation, right after the end of the battle, a British soldier offered a drink to one of the Japanese soldiers -- is this not a beautiful story -- and, therefore, this spirit must be fully kept in mind and the work must be done very broadmindedly.

The next point was about the living affairs of the POWs -- this would be left in the hands of the POWs themselves, that is, a POW representative would be appointed. As long as the keeping of discipline and the keeping of these orders, besides these things everything would be left in the hands of the POWs, therefore, this must be kept in mind when on duty. And you should behave yourselves in a manner that would do honour to your country.

The next point was that the POWs might try to escape. As instructed from higher authorities, if POWs are allowed to escape, the Camp as a POW Camp would be valueless; therefore, you should do your best not to let POWs escape.

The last point; right after the battle there was a condition of confusion in the camp and many of the buildings in Hong Kong were looted by the Chinese; therefore, to improve accommodation is a very important point. I also emphasized that there was confusion among the Japanese Army and it would be very difficult to receive material; therefore, I myself would do my best and you yourselves must do your best to improve the matter.

With this view in mind I carried out my duty until now.

COURT: The Court is adjourned until 1000 hours on 3 January 1947.

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NO. 5 WAR CRIMES COURT.

27TH DAY'S Proceedings of the Trial of Col. TOKUNAGA Isao,
Capt. SAITO Shunkichi, Lt. IABARA Hitoshi, Interpreter ISHIDA
and Sgt. HARADA Jotaro.

(Held at Jardine Matheson's East Point Godown.)

The Court in attendance on 2nd

Friday, 3 January, 1947, at 1000 hrs.

(The Court return Mr. AUSZ's diary to the Prosecutor.)

1st WITNESS FOR THE DEFENCE - Col. TOKUNAGA Isao (Accused)

EXAMINATION IN CHIEF (Contd.)

Q. Will you remember that you are still bound by the
affirmation you made yesterday?

Q. Until what date was the LORAIN POINT Camp used?
A. End of September 1942.

Q. Until what date was ARMY Street officers' camp open?
A. It was opened in April 1942 and closed, I think, in May 1944.

Q. The officers that were interned in ARMY Street camp, later
where were they moved?
A. They were transferred to the SHAM SHUI PO camp.

Q. Until what date was the BOWEL Road hospital open?
A. Till the end of March 1943, I think.

Q. The patients who were accommodated in BOWEL Road hospital
were later transferred to what place?
A. To the Central School in KOLLOON.

Q. When you established the real camp at the end of January
1942, did you at any time know beforehand the accom-
modation and the place where the POWs were to be quartered?
A. Please repeat your question; I could not understand the
latter part.

Q. When you established the POW camp, did you at that time
inspect the accommodation and the place where the POWs
were quartered?
A. I knew about that.

Q. At the end of January 1942, what was your observation
of the situation of the number of POWs and accommodation
of the POWs in SHAM SHUI PO and LORAIN POINT Camp. Explain
the camps separately.

A. It was right after the battle and because of the fighting
and because the Chinese looted houses the damage at SHAM
SHUI PO was especially bad. By the 24th January, the
POWs were transferred here and there and arrangements were
not settled at that time, therefore there was much confusion.

Q. What did you observe of the buildings of SHAM SHUI PO and
LORAIN POINT camps, as to the object of their becoming
quarters for the POWs?

A. I thought that although the damage was great, if the
buildings could be arranged properly they could be used.
As for LORAIN POINT because of the large number of POWs
it was much more crowded than SHAM SHUI PO and I thought
if other buildings could be made available or another camp
could be established this would have been best.

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- Q. There was a testimony that the windows in SHAN SHUI PO camp were bricked up. Could you explain when and who did the bricking-up?
- A. As I said before, the buildings were much damaged and because the POWs applied to have the windows closed to prevent the cold coming in, I acknowledged their application, and the POWs themselves bricked-up, i.e. closed, the windows. As I remember it, this was done in March, 1942.
- Q. From where was the material supplied to have the windows closed?
- A. It was almost impossible to receive any material. Iron sheets and roof slating from damaged buildings were used to close the windows. There were 2 buildings in the camp, one was usable but the other was damaged beyond use, therefore material from the damaged building was used.
- Q. You just said it was impossible to receive any supply of material. From where was it impossible to receive supply?
- A. As for materials they must be applied to the Governor-General who would instruct the Supply Depot to issue material. But at that time there was no supply of material; therefore it was impossible to get any.
- Q. The buildings at ARGYLE St. camp, ordinarily do you know their use?
- A. As I heard it, it was a sort of detention house for Chinese.
- Q. What did you observe of the building facilities in comparison with the number of POWs that were accommodated there?
- A. As for ARGYLE St. I observed that although accommodation was not extensive, it did not in any way hamper the POWs.
- Q. A while back you said you wished that if other accommodation was available you would have had some of the POWs transferred. Did you take any steps later?
- A. I made an extensive search for buildings but, as I said, most of the buildings were damaged and no materials were available, therefore nothing was done. However, I found out that a large part of STANLEY Fort buildings could be used and I made an application to the Governor-General to make these buildings available to the POWs. But the Governor-General told me that as STANLEY would be used as a fort and later would accommodate Japanese troops, it could not be made available to the POWs. Arrangements for accommodation became gradually settled and drafts were made from time to time to JAPAI; therefore more buildings became available for the POWs. In this way up to the present I did not do anything specially.
- Q. What sort of patients were hospitalized in BOYLE Road hospital?
- A. Firstly, a large number of wounded patients were accommodated in the hospital. Then there were a large number of cases of acute enteritis. Besides these, there were various kinds of patients but as I observed it there were no cases that needed special treatment.
- Q. In both STANLEY and SHAN SHUI PO camps was there any special accommodation for POW patients?
- A. In both of the camps there were medical wards to accommodate patients that did not need treatment in the hospital and these patients were treated in the medical wards.
- Q. You said "patients who did not need hospitalization". Where do you mean they would be hospitalized?
- A. Patients that would need hospitalization could be sent to BOYLE Road Hospital and in St. TERESA Hospital, Cebu.

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Col. CRAWFORD.

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- Q. You said that drafts of POWs were sent to JAPAN. After that, how many drafts were sent to JAPAN?
- A. As I remember it, six times.
- Q. There was a witness before the Court who testified that because the drafts were sent to JAPAN some of the huts became empty but they were not made available to the POWs. Could you say something about this?
- A. There was a time such as that.
- Q. Why were not these huts made available to the POWs?
- A. There was an instruction from the Governor-General to have these huts vacated ~~info~~ be used by the Japanese army; these huts were left over.
- Q. There is an affidavit saying that Chinese were allowed to take away urinals. Do you know anything about this?
- A. That is correct. I allowed this because I did not wish to have the POWs themselves clean their urinals. Besides, the urine could be used as fertiliser.
- Q. Col. CRAWFORD has testified that there was not a sufficient number of buckets in the latrine. Do you know anything about that?
- A. I heard that there was not a sufficient number of buckets and I ordered the Intendant officer to make more buckets available and more buckets should have been made available.
- Q. Was there a time schedule in the various camps when lights could be used?
- A. There was a regulation. Places where the lights were burnt all night were places where it was necessary for guarding, also in the medical wards and latrines. When it became necessary because of work, lights were permitted in the cook-house and office, and I think lights were permitted until 11 o'clock in the officers' room.
- Q. There is a testimony saying that from September 1944, lights were altogether turned out. Do you know anything about the facts of this statement?
- A. The Governor-General, owing to the shortage of coal closed down electricity and there were times when there were no lights at all. As for pieces of guarding and also the electric wire around the camp, when it became necessary electricity could be turned on.
- Q. The only reason why lights were turned off was because of the deficiency in coal; is that correct, or is there any other reason?
- A. I think that because of the shortage of coal for the time being firewood was used as a substitute, but this also became scarce, and because of the shortage of fuel electricity was turned off.
- Q. At the time of the Japanese surrender what was the situation of electric lighting; was it possible to turn on electric lights?
- A. The lights were on.
- Q. There is a testimony saying that because no lights were permitted in the medical wards it was quite difficult to carry out operations. Could you explain the facts of this statement?

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Col. TAGA.

- A. At the beginning because of air-raid black-outs there were several occasions as such. Air raid precautions in KIG POW were strictly carried out and we were strictly controlled so as not to let out any lights. The lights for guarding and lights in the medical wards were strictly controlled by the Governor-General. I did my best to keep the lights from leaking outside but in case of operation windows were covered up with some material such as blankets to prevent the lights from leaking out. In the beginning two or three occasions there were when lights were out, without lights, but later I do not think there were any occasions.
- B. There is testimony saying that there was no stove, heating equipment, at KIG POW. Do you know anything to explain the facts of this testimony?
- A. Even the Japanese army in KIG POW did not have any stoves, therefore, of course, it could not be thought that stoves would be allowed in the camp.
- C. Could you explain about the supply of blankets to the POWs?
- A. In accordance with the POW supply regulation it is the rule to have the POWs use their own equipment. Some of the POWs had their own blankets and some did not have any; therefore, with this in mind an average of 2 blankets each to the POWs were supplied. In extreme mid-winter two blankets would be sometimes cold but we ourselves until last year were only supplied one blanket. As I said before, it was a rule to have the POWs wear their own clothing and those whose clothing was extremely worn out, gradually it was replaced by the camp. As in the statements about the stoves even the POWs made complaints: therefore, of course, in the same way they were not satisfied about their clothing.
- C. What was the policy in supplying soap, towels and other daily necessities?
- A. The money value of articles of daily consumption to be supplied to POWs was fixed and, with this in mind, the Intendant officer supplied the POWs.
- C. You said the money value was fixed; can you remember what was the amount for each POW?
- A. I do not remember exactly but it was something under 10 Yen.
- C. About blankets, clothing and daily necessities - from where were the supplies forthcoming?
- A. Application was made to the control authorities, i.e. the Governor-General and from the Governor-General instruction would be given to the supply depot.
- C. What was the ration of the POWs based on?
- A. It was set down in the POW Supply Regulation. If it was at the front, the commander of the army there would fix the ration and according to this regulation the Supply Depot would issue rations.
- C. What sort of staple food was given to the POWs?
- A. At the beginning, bread and rice were supplied as staple food but gradually bread became scarce and only rice was supplied as staple food.
- C. Can you remember the quantity of staple food that was supplied to one POW per day?
- A. For the ordinary POW 470 gms. and for the working POW 610 gms. were supplied.

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Col. TORRAGI.

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- Q. This quantity you just spoke of, was it set down in the regulation?
- A. That is correct.
- Q. What was the regulation concerning the supplementary food that was given to the POWs?
- A. I do not know the exact quantity but meat, fish, dried fish, vegetables, soya sauce, sugar, salt, tea and spices were supplied as supplementary food. Meat was animal meat, by that I mean beef or pork.
- Q. What was the regulation concerning the quantity of food supplied to the officers and to the men?
- A. Do you mean was there a difference in the food supplied to the officers and men? It was exactly the same.
- Q. What was the authority of the Camp Commandant to increase the quantity of food over the regulation?
- A. The scale of rations is set down and the Camp Commandant cannot increase or decrease this scale.
- Q. What was the regulation concerning the number of calories that should be issued to each POW per day?
- A. There is no special regulation saying that a certain number of calories must be issued to a POW but I believe that when the higher authorities set down the scale of rations for POWs they calculated the number of calories.
- Q. Have you yourself ever seen what sort of rice, the quality, that was issued to the POWs?
- A. I have frequently seen the rice and I have also seen the rice being cooked.
- Q. There is a testimony that rocks, sand and other things were mixed with the rice and the rice was sweepings. Do you know anything about this?
- A. There might have been occasions such as that but special rice was not issued to the POWs. The rice they ate was the same rice that we the Japanese ate.
- Q. There is a testimony that since July 1942 no supply of meat was issued to the POWs; do you know anything about this?
- A. According to the regulation if no meat is available, fish or dried fish could be substituted; therefore there might have been a misunderstanding.
- Q. What do you mean by "misunderstanding"?
- A. I never received a report saying that there was no meat or no fish or there was no supply of either one.
- Q. What was the method in which the ration was actually issued to the POWs?
- A. The Intendant officer would receive the supply from the Supply Depot and he would calculate the amount to be issued to the various camps and would have the calculated amount distributed to the person in charge of rations at the various camps.
- Q. Was there any regulation stipulating the days when rations should be issued?
- A. As the ration must be indented on the Supply Depot, the days when staple food and the days when supplementary foods would be issued were fixed but I do not remember the exact days when they were issued. Maybe it was 3 or 4 times a week; I do not remember. I forgot to add that vegetables would not be received from the Supply Depot but would be requisitioned locally.

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Col. MONTANA.

- Q. How was the ration issued to the POWs stored?
- A. The POW in charge of rations had a pass and a storehouse to go to and he would be responsible for the storing and distributing to the cookhouse of rations.
- Q. One of the witnesses has stated that a ration schedule was set down but this ration schedule was not kept. Do you know anything about the facts of this testimony?
- A. I do not know anything about that.

The Court goes into temporary recess at 11:30 to the 2nd
The Court re-assembles at 11:31 to the 2nd

- Q. There is a statement saying that sometime in April 1943 some of the Formosans stole POW rice. Do you know anything about the facts of this statement?
- A. There was such a case.
- Q. Also there is a statement saying that some time in February, 1944, some robbers broke into the central warehouse and stole some of the POW foodstuff. Do you know anything about the facts of this statement?
- A. In February 1944 some oil was stolen but this oil was not for the POWs.
- Q. What steps did you take about the Formosans when you found out they stole the rice?
- A. I reported the incident to the Governor-General and received from him ~~relief~~ relief (?) for the men involved.
- Q. There is a testimony that the POWs made representations to the Camp Commandant to have the food improved. Do you know anything about this?
- A. There were such.
- Q. After you received representations, what steps did you take?
- A. As Camp Commandant there was not much I could do but I discussed the matter with the POWs and increased, to the best of my ability, the food that was supplied to the working POWs. I acknowledged that POWs who indulged in light work, i.e. cleaning the camp and such like, as working POWs and issued to them working POW rations. I had the POWs utilize vacant ground inside the camp to be used as ~~potato~~ gardens. Also I had various gardens extended and I purchased good seeds such as tomato seeds and the like and distributed these to the POWs. I bought baby pigs and fowls and gave them to the POWs. By these various steps I tried to improve the POW ration.
- Q. Sometime ago you testified that POW patients were hospitalized in BOWEN Road hospital and St. TERESA Hospital. What was the procedure to have a patient hospitalized?
- A. The POW Doctor would diagnose the patient and when he deemed it necessary to have the patient hospitalized, he would report this to the commander in charge of the camp or, on occasion, to the Japanese medical officer. If the Japanese medical officer acknowledged that the application to have a patient hospitalized is reasonable, he would report the matter to the Camp Commandant and the Camp Commandant would give permission. But as the Camp Comdt. has no knowledge of diseases he would always acknowledge the decision of the medical officer and would have the patient hospitalized. That is all.

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Col. TAILAGA.

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- Q. What authority has the commander in charge of the camp or the Japanese medical officer to have a patient hospitalized?
- A. The commander in charge of a camp also has no medical knowledge. The POW doctor would apply to the commander in charge of the camp to have a patient hospitalized and he would in turn report the matter to the Camp Commandant who would ask for the decision of the medical officer. This is the general principle that would be taken. Therefore the commander in charge of the camp cannot have a patient hospitalized.
- Q. In many of the witnesses' statements it has been said that after an application to have a patient hospitalized and before the patient is actually admitted to hospital it would take a long time. Can you explain about the facts stated in the testimonies?
- A. When a patient is hospitalized there are 3 things that must be done, i.e. from the camp to the bay a patient must be transported in a car or lorry and then he must be transported across the bay. After crossing the bay he must be transferred from the pier in a lorry to hospital. I forgot to add before that when a patient is sent to the hospital the officer in charge of the General Affairs Section would use the lorry attached to the HQ. Sometimes this lorry would be used for other purposes and at the time when a patient is to be sent to the hospital this lorry could not be available. Another thing, sometimes the lorry would be out of order. But if the lorry is available a boat must be borrowed. This boat for the most part would be used by the unit and it would be very difficult to borrow it. This boat would be in much use by the unit. Besides this, the members of the unit do not have a full understanding of POWs and would not lend the boat willingly. Because of these circumstances a short lapse of time would be necessary when a patient is hospitalized but I have no knowledge that two or three days would elapse before a patient is actually hospitalized. Also the Japanese medical officer would acknowledge that the patient must be sent to hospital and when he had acknowledged that, he would not let a long lapse of time before the patient was actually admitted to hospital.
- Q. Medicine and drugs that were issued to the POWs. What was the method in which these were made available?
- A. The POW medical ~~officer~~ side would make application of the necessary medicine. The Japanese medical officer would judge the list. Then the Japanese medical officer would apply to the Camp Comdt. and the Camp Comdt. would take steps to have the medicine made available.
- Q. From where would the POW camp receive supplies of medicine?
- A. On occasions it would be different, but at the beginning, i.e. until March 1942 it was received from the Governor-General. Until August 1943 it was bought locally. Since that date until the surrender the medicines were received from a Japanese ~~medical~~ army unit.
- Q. By "bought locally" do you mean that the POW camp bought their medicine locally from the various dispensaries?
- A. That is correct.
- Q. About the quantity of various drugs that were issued to the POWs, what was the quantity that was actually issued to the POWs in comparison to the amount applied for by the POWs?

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Col. MOKURADA.

- A. I do not know the technical points but I do not think that it was possible to supply all the drugs as they applied for. I also know that sometimes when the POWs applied for a certain drug for a certain disease it was not possible to get that drug therefore substitute drugs were supplied instead.
- Q. There are testimonies saying that since drugs made available to the POWs were insufficient for their needs, they made several representations to have the amount supplied increased. Do you know anything about these facts?
- A. I remember one occasion when Maj.-Gen. MATTHEY applied to me, with other matters, that a large stock of British drugs were stored somewhere and that he would like to have these made available to the POWs. As I remember it, besides this occasion, there were one or two others.
- Q. After you received these representations what steps, as Camp Comdt., did you take?
- A. Immediately after I received the knowledge from Maj.-Gen. MATTHEY that two or three years' supply of British drugs were in the Colony I went to the Governor-General and asked that although the whole amount could not be made available, could some of the drugs be made available, but it was useless.
- Q. Why was it useless?
- A. It was right after the occupation and these drugs were ~~under~~ under the control of the 23rd Army and under the control of the Governor-General and it was not a time then to have these drugs made available to the POWs. If I do not explain the condition of thought of the higher authorities concerning the POWs I do not think I can explain this fully. So I wish to explain their condition of thought concerning POWs.
- Q. I would like to have you explain that at a later time. What sort of disease was most rampant in the POW camp?
- A. Diphtheria.
- Q. Next, what disease?
- A. Dysentery.
- Q. When such diseases were rampant, what steps as Camp Comdt. did you take?
- A. To stop the spread of the disease I inspired the medical staff to work to the best of their ability and myself did what I could.
- Q. There are testimonies saying that many POWs suffered from mal-nutrition. Can you explain the facts?
- A. There were some that were suffering from malnutrition.
- Q. According to your knowledge, what was the reason why there were cases of malnutrition?
- A. I think that foodstuffs was not sufficient. Therefore as I described, I did my best to better and increase the ration. Dr. SAITO was very much worried about this state of affairs and he had a papaya orchard made because papaya bore fruit quickest.
- Q. Were there any occasions when POWs were sent on working parties?
- A. Yes.
- Q. What were the principal working places?

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Col. TOKULAGA.

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- A. When POWs were sent outside the principal places were the KAI TAK airfield; ABERDEEN for work with a unit and also to LAI CHI KOK, to the race track at HAPPY VALLEY, to the TAI PO Garden, to work near the vicinity of the Japanese army hospital. These were the principal places.
- Q. What was the period of work, generally speaking, at the KAI TAK airfield?
- A. As I remember it, it was from August 1942 until December the same year.
- Q. One of the witnesses has stated that the work re-started again in January 1943 and lasted until April the same year. Do you know anything about this?
- A. I do not remember exactly but perhaps it happened that way.
- Q. Do you know what sort of work the working party partook in?
- A. Yes.
- Q. Generally speaking what sort of work was it?
- A. Extension of the airfield. First of all it was cutting grass of the airfield and also because the runway was damaged this was repaired by using cement. Also to extend the airfield there was a hill of 40 meters high and this was cleared away. The hill was dug away and dirt was put into trolley carts and brought to cover low places of the field.
- Q. Do you remember approximately how many POWs were sent out on this working party?
- A. It was different from time to time but at NORTH POINT at least 300 and at most 400 were sent out. Then the largest working party was sent out, it was sent from SHAM SHUI PO camp and the number was from 600 to 700.

At 1230 hrs. the Court adjourn till 1400 hrs.

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EXAMINATION IN CHIEF - COL. TOKUNAGA
(ACCUSED) Cont.
The Court on the 3rd January 1947.
1400 hours.

3rd January 1947.

- Q. This morning I asked you about the airfield working parties, who was actually responsible for the work?
- A. The Governor General was responsible for this work.
- Q. What relation had the POW Camp with this work?
- A. An order was received from the Governor General fixing the number of men that should be provided for the work; the POW Camp, on the basis of this order, sent out the required number of men.
- Q. What was the route and the method by which the working parties went to their work both from NORTH POINT and SHAM SHUI PO Camps.
- A. From NORTH POINT Camp they boarded a ship which came alongside the Camp and went directly to the airfield. As for SHAM SHUI PO Camp, sometimes they were transported by lorries and very rarely they marched to the airfield.
- Q. Who was responsible for the guarding enroute to the airfields, both from NORTH POINT and also SHAM SHUI PO Camps?
- A. When the POWs were transported by boats from NORTH POINT Camp, guards from the Camp would board the ship and guard them enroute to the airfield. As for SHAM SHUI PO Camp, when the party went by lorries or by marching, a guarding party from the neighbouring unit would come to the gate of SHAM SHUI PO Camp and would take the party to the airfield. When the party returned the exact opposite would happen. Besides the boats, when a party was sent by lorry or by foot, the unit that employed the POWs would come and get them at the gate of the camp.
- Q. Who supplied the guards on the spot of the work?
- A. The unit who controlled the POWs on the spot of the work was the unit that engaged the POWs in the work.
- Q. There has been a testimony before the Court that using POWs on the airfield was an illegal act and that the POWs made representations to you -- have you ever heard of such a representation?
- A. There was such a representation.
- Q. After you received this representation, what steps did you take?
- A. After I received the representation I went directly to the Governor General and informed them of the contents of the POW representation, but they told me that as the airfield was to be an airport that would be used later as a civilian airport, extensively, and therefore such work could not be considered as an illegal act and that the POWs must be sent to the work.
- Q. About the ABERDEEN working party, what was the number that was sent out on this working party?
- A. As I remember it, it was about 50 men.
- Q. Do you remember the period of work -- the working period?
- A. As I remember it the working period was about two weeks.
- Q. Do you remember what sort of work the working party was engaged in?
- A. I actually went to the spot of the work and saw the POWs engaged in the transferring of drums to and from godowns; loading them on to lorries and also loading them on to boats.
- Q. Had you ever received a representation from the POWs concerning the work at ABERDEEN?
- A. There was no such representation.
- Q. There was a testimony saying that POWs were used in tunnelling work in KOWLOON, was this a fact or not?
- A. POWs were engaged in making air raid shelters.

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EXAMINATION IN CHIEF -- Col TORUNAGA (ACCUSED) Cont.

- Q. Do you remember the number of men that were sent out on this work and the length of the period of this work?
- A. As I remember it the number was from 70 to 80.
- Q. About the period of the work?
- A. I think the period of work was about two weeks.
- Q. Did you ever see the scene of work?
- A. I did.
- Q. As Camp Commandant did you ever receive a representation asking to have the facilities improved because the work was dangerous?
- A. I never have received such a protest. When I went to the scene of the work, at one place I saw that the earth was soft and I asked to have the POWs stopped from working there.
- Q. Next, the HAPPY VALLEY Race Course work, ^{what} was the period of the work there?
- A. The work started at the end of January 1945 and lasted about three weeks.
- Q. What sort of work was that?
- A. The work was done inside the Race Course, and the work was turning over the turf to make it into a garden.
- Q. Who ordered this work, do you know?
- A. This work was done in accordance with an order from the Governor General with the object of making a vegetable garden.
- Q. What was the approximate number of men that were engaged in this work?
- A. As I remember it about 250 men.
- Q. Do you remember the length of time the POWs were engaged?
- A. I think the work started at 8.30 a.m. and ended at 4.30 p.m.
- Q. There is a testimony saying that the Accused, SAITO, was present at this work, do you know whether this is a fact or not?
- A. He was present at the work as a medical officer.
- Q. Who actually decided which POWs would be sent out on the work?
- A. The unit which engaged the POWs would apply to the Governor General stating the number of POWs required, and would sort out the work they would be engaged in. Then an order would be issued by the Governor General to the POW Camp stating what unit would use the POWs, the number of POWs required, what sort of work they would be engaged in and the period, that is from what date to what date the POWs would be engaged in the work. The number fixed in this order would be passed on to the POW representative and he would, after consulting with the POW medical officer, decide on which POWs would be sent to work. When a number was fixed it was not absolutely necessary to have the fixed number of men sent out to work; the number would be flexible, considering the number of patients amongst the POWs. In such a case this would be reported to the Governor General, stating that it was only possible to send out a certain number of men, and the Governor General's permission would be received. In the case of HAPPY VALLEY, the number of men fixed in the order was 200, but the POW representative said that he could only send out 150 men and permission for this number of men was received.
- Q. Some of the witnesses have stated that the number of men on a working party was fixed and that to meet this number, unfit men were included in the working party, what can you say about this situation?
- A. At first such was the situation, but after I went and inspected the work at LAITAK airfield, I found that the number should not be absolutely fixed, and from then on the number became flexible.

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EXAMINATION IN CHIEF -- Col TOKUNAGA (ACCUSED) Cont.

- Q. Did you, as Camp Commandant, actually observe the health conditions of the POWs so that they appeared in a condition as though they were unfit for work?
- A. From what I saw at that time I felt that they were not unfit, but it would be very difficult for them to carry out the work required. On one of my inspections there were some old men included in the working party and I thought it would be very difficult for them to carry out their work so I had it fixed so that they could be taken out from the working party.
- Q. Do you know whether the POWs were employed in the carrying of bombs?
- A. I do not know.
- Q. You said that the tunnelling work was actually for the purpose of making air raid shelters; were these air raid shelters intended for people or for something else?
- A. Some of the air raid shelters were intended to be used as store-houses for food stuff and some were intended to be used as air raid shelters for people.
- Q. Was the work at HAPPY VALLEY Race Course ever consummated?
- A. It was consummated.
- Q. If there is anything you wish to say about the supply of clothing to the working party, that is the working parties' clothes, then will you please do so.
- A. I do not understand your question.
- Q. Is there anything you wish to say about the supply of clothes for the working parties?
- A. About clothing for the HAPPY VALLEY working party, I do not remember clearly.
- Q. Generally speaking what was the situation regarding the supply of clothing to the working parties?
- A. Generally speaking there was a deficiency in working clothes but footgear was necessary for the work and, therefore, such were supplied.
- Q. What was the situation with regard to the rations supplied to the working parties?
- A. As I explained before, the maximum was given in accordance with the regulation; besides this, when it was possible extras were given. In the case of HAPPY VALLEY, extra potatoes and cakes were given.
- Q. Was it within the scope of the authority of the Camp Commandant to engage POWs in work?
- A. It was permitted for the Camp Commandant to use POWs in working within the premises of the Camp.
- Q. By that you mean working inside the premises of the Camp?
- A. Yes, that is work engaged for the benefit of the POWs.
- Q. When POWs were used in work outside of the premises of the Camp, whose authority must be first received?
- A. The permission of the supervisor, i.e. the Governor General's permission must be received before the POWs are employed.
- Q. What you have just stated, did you base that statement on a legal ground, that is, a regulation or a law?
- A. I base this statement on the POW Labour Regulation set down by War Department.
- Q. Next, leaving the matter of the working parties, did you ever ask the POWs to sign a parole stating that they would not escape?
- A. Yes, I did.

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EXAMINATION IN CHIEF -- Col TOKUNAGA (ACCUSED) Cont.

Q. Was there a legal ground when you asked the POWs to make such an oath?
 A. Yes there was -- I based this on the POW Treatment Detailed Regulation. In that regulation it is stated that after the POWs are gathered, at the earliest opportunity, a statement on oath saying that they would not escape must be taken. Continuing, the regulation said if POWs refuse to sign, such an oath, they would be considered to have the intention of escaping and as such special precautions must be taken.

Q. Then will you now describe the actual circumstances in detail of how you had the POWs make this oath?

A. First of all I had the Commander in charge of the various camps to ask the POW representatives to have the POWs make an oath that they would not escape. But the POWs said that they could not make such an oath and strongly refused to make such an oath. On the other hand continually there were cases of POWs escaping. I received an order from the Chief of Staff and the Governor General saying that some POWs have escaped; some are trying to escape and some have the intention to escape, therefore, in such cases, to prevent escapes, they should be shot. At that time I told Major General MALBY, Senior POW, that this was the order and if the POWs would not sign the oath, this is what would happen; if that was alright with him. At that time Major General MALBY said alright. Then he gathered all the POWs and in my presence informed them of the order. This happened ~~xx~~ sometime in February 1942.

Q. When all the POWs were gathered where was the place?
 A. In SHAN SHAN PO Camp.

Q. Continue --

A. However, that was the case, but continually POWs successfully escaped without the knowledge of the Japanese units. On every occasion of such an escape the Chief of Staff or the Governor General would instruct me to have the canteen stopped or, if personal parcels were sent into the camp, to have these stopped as a means to prevent escapes. Before, there was no electrified barbed wire around the fence and there were a large number of escapes, and as the number of escapes increased, in accordance with an order issued by the Chief of Staff and the Governor General, from a very shortage of supplies of material, and engaging some soldiers, an electrified barbed wire fence was established around the camp. When the installation of the electrified barbed wire fence was actually completed, and the next day electricity was ready to be passed through the wire, on that night some POWs escaped. The circumstances, at that time, were that the Camp Commandant would be punished; also, the officer in charge of the guards would be punished. Because of these escapes I came to the conclusion that it was absolutely necessary to have the POWs sign an oath that they would not escape, and also this was within the regulation and in accordance with instructions from the Chief of Staff and the Governor General I had an oath made out. What I really mean is that because of this -- it was this motive that actually brought me to the conclusion that an oath must be taken from the POWs.

Q. If you remember -- how actually was the oath taken in the various camps?

A. First of all oaths were taken in the ARCYLL STREET Officer's Camp sometime during the end of August 1942. I called Major General MALBY and also Commodore HOLLANDS in my presence. To these two representatives I myself told them the following: "Both of you have surrendered unconditionally to the Japanese Army. You have up to the present refused to sign an oath because it was in violation of the customs and law of your country, but the Japanese Army cannot acknowledge this. In the Japanese regulation it is stated that if a POW refuses to sign such an oath he has the intention of escaping and, therefore, special precautions must be taken."

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EXAMINATION BY CHIEF -- Col FORUMAGA (Cont).

Now I will ask to have such an oath made up and will ask you to tell the POWs what is required. The taking of an oath will take place at ARGYLL STREET Camp tomorrow and you should have that thought in mind." They acknowledged what I told them and returned to their camp. The next day I went to the Officer's Camp and had the oath made out. I gathered all the officers and informed them of what I told Major General MALBY the day before. I had the POWs sign a form stating that they would not escape, which was made out before hand. The whole camp signed this form. This was what happened at the Officer's Camp.

The next day I had members of the SHAM SHUI PO Camp sign the oath. On the day of the signing I gathered all the POWs and informed them of the same thing as I informed the officers. At this Camp Lt Col FREDERICK and other senior officers refused to sign the oath. I informed them that Major General MALBY and other officers at the Officer's Camp had already signed the form but Lt Col FREDERICK and other officers would not believe me. I thought, at that time, that the POWs thought that although the officers at the Officer's Camp did not sign the form, I told them they had and so made them believe that they had already signed the forms and was trying to fool them into signing it themselves. Therefore, it could not be helped, so I sent a messenger to the Hqs. and had him bring back Major General MALBY'S signed form. When I showed them Major General MALBY'S signed form, they agreed and signed the forms. I saw that the signing of the forms went on smoothly.

Then it was necessary for me to have the members of the NORTH POINT Camp sign the form, so I instructed the Commander in charge of the Camp, SAKADNO, and then went to the Camp.

- Q. What instructions did you give to SAKADNO -- will you give these just briefly?
- A. "The signing of the forms, I think, will go on smoothly, but if some refuse to sign the form, they should be thought of as having the intention of escaping and the permission of the Chief of Staff has already been received; therefore, if any POWs refuse to sign the form, they should be sent to STANLEY Prison."

Then after telling SAKADNO this I left the SHAM SHUI PO Camp and went to NORTH POINT CAMP.

The Court is adjourned for five minutes recess at 1515 ^{hrs}
The Court re-assembles at 1520 ^{hrs} REC.

- Q. Lt Col FREDERICK said, in this Court, in his testimony, that because he refused his signature to this oath he was hung up by wire and received a severe beating, do you know anything about this fact?
- A. There was no such fact, it took about 20 minutes to bring back the statement of Major General MALBY'S and I was not with Lt Col FREDERICK during that time.
- Q. Was Lt Col FREDERICK present at the gathering parade ground?
- A. The signatures were taken inside the room just near the parade ground, and since he refused to sign the statement without first seeing the statement of Major General MALBY'S, I sent a man to bring this statement back.
- Q. Now you have finished about ARGYLL STREET Camp and SHAM SHUI PO Camp; now please continue with the other camp.
- A. I went to NORTH POINT Camp in the afternoon that I went to SHAM SHUI PO Camp. Here at NORTH POINT Camp I called Lt Col WHITE and other senior officers to the office. At this time, because of the experience I had at SHAM SHUI PO, I took the statement of Major General MALBY'S with me. Then I ordered the Camp to sign the statement in the same way as I did before. The taking of the signatures was going on smoothly so I went back to Hqs.

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EXAMINATION IN CHIEF -- Col TOKUNAGA (ACCUSED) Cont.

As for the hospital in BOWEN ROAD, I understood the POWs in the hospital could not try to escape so I thought there was no hurry in taking their signatures.

After returning to Hqs. I heard that five or six men in SHAM SHUI PO Camp and one M.C.O. in NORTH POINT camp refused to sign the oath. Then they were sent to STANLEY Prison.

- Q. When did you take the signatures in BOWEN ROAD Hospital?
- A. I myself did not go to the BOWEN ROAD Hospital but I ordered a medical officer there, SAWADA -- since the signatures had been taken in other places, so I ordered him to take the signatures at BOWEN ROAD. About one week later I found that there were two men who did not sign. They were Major BOXER and a Naval Captain, I do not know his name. I thought there was no hurry in taking their signatures so I awaited their discharge from the hospital. Among those who were sent to STANLEY prison, after two or three days they signed the oath so they were sent back to their respective camps. Major BOXER and the Naval Captain were discharged from the hospital on the same date so I called them to my office. Then, at that time, I spoke directly to Major BOXER. Major BOXER had been in Japan for a long time and therefore he understood about the Bushido that the Japanese speak and he could speak the Japanese language fluently. Because he could understand the Japanese language I told him about the Japanese spirit fully.
- Was that what he
- Q. What was that that you told him?
- A. And then he understood me fully and he willingly signed. He signed willingly and also the Naval Captain signed and thus all the signatures were taken.
- Q. There are two statements mentioning that you gathered the POWs in the parade ground and faced machine guns at them to have the POWs sign the oath, do you know anything about this fact?
- A. There was no such fact.
- Q. Was it a fact about the machine guns?
- A. There were only two machine guns at SHAM SHUI PO Camp -- there was no such fact. They were not for that object and there was no such fact.
- Q. What was the reason these POWs were sent to STANLEY Prison, I do not understand this clearly?
- A. In the regulations it is said that those who refused to sign were to be strictly controlled and guarded. There was not enough room in the camp to keep them under strict control so I was instructed that STANLEY prison could be used as a detention cell.
- Q. Who gave you such instructions?
- A. The Chief of Staff gave me these instructions and he also gave the order to the authorities at STANLEY Prison.
- Q. Do you remember Lieut WISEMAN who was a witness at this Court?
- A. Yes, I remember.
- Q. How do you know him, is there any special reason why you remember him?
- A. He was discharged from the hospital at the same time as Major BOXER, and he came to Hqs. with Major BOXER. Those who refused to sign the oath were Major BOXER and a Naval Captain but this lieutenant was present at that time. At that time I heard that there were such activities in the hospital as taking things out of the hospital and selling them *see* so I inspected his belongings. This was the first experience for me, but I saw the inspection carried out in my presence. As he was an officer I asked him if he had anything with him. He answered: 'I have nothing'. After a strict inspection, a letter was found in his artificial leg. At that time I felt it was unbecoming for an officer to do such a thing so I pushed his chest. Because he had only one

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EXAMINATION IN CHIEF -- Col TOKUNAGA (ACCUSED) Cont.

leg he tumbled on to the wall. At that time I thought I should not have done such a thing so I stopped. I never gave him a special punishment; I sent him to the Camp.

- Q. What happened to the signature of Lt WISEMAN?
 A. As I said before all the signatures were taken in the hospital except Major BOXER and the Naval Captain.
 Q. In the testimony Lt WISEMAN said that he was sent to STANLEY Prison, do you know anything about this fact?
 A. There was no such fact.

COURT: The Court is adjourned until 1000 hours on January 4th, 1947.

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1000 hours.

RCL 284
 DAY'S PROCEEDINGS of the trial of Col TOKUNAGA ISAO, Capt SAITO SHUNICHI, Lieut TANAKA HITOSHI, TSUTADA ITSUO (Interpreter) and Sgt HARADA JOFARO, held at HOLG LONG on the 4th January 1947.

(Held at Jardine Matheson's East Point Godown).

The Court re-assembles at 1000 hrs RCL

EXAMINATION IN CHIEF -- Col TOKUNAGA (ACCUSED) Cont.

COURT: Will you remind the Accused that he is still bound by his original affirmation.

PROSECUTOR: Sir, before the examination continues, I have the documents here and also certified copies which Major LIGHTBODY produced.
in connection with exhibit P(4) RCL

COURT: Major LIGHTBODY has already proved the original.

PROSECUTOR: Yes, and I have here both the original and the certified copies.

COURT: Hand the copies to the Court and a copy to Mr. FUJITA.

COURT: Certified true copies of the first, second and last pages of Exhibit P(4) are checked with those pages of Exhibit P(4) with the Court and are found to be correct.

DEFENCE:

- Q. Do you know a lieutenant by the name of ABBOTT?
 A. I do not remember him.
- Q. In the middle of October 1942, in a testimony, it says that a POW named ROBERTS and four others were injured at the airfield, do you know anything about this affair?
 A. I do not know the exact date but there was such a case.
- Q. Major GRAY, in his statement, states that because ABBOTT protested on behalf of the injured POWs, he was beaten by some Japanese in front of Col TOKUNAGA, do you know anything about the facts of this case?
 A. There never was a case of a beating in my presence, therefore, there is no such fact.
- Q. There were testimonies before the Court saying that the interpreters and guards at the POW camp used violence against the POWs, do you know anything about the facts of this matter?
 A. As I just said there never was a beating in my presence but there may have been such cases in the Camp.
- Q. I have already heard from you as to what the Camp Commandant did in instructing and supervising the guards, now will you explain what the Camp Commandant did in regard to the interpreters?
 A. As to the interpreters, upon my appointment as Commandant of the POW Camp I received instructions from the POW Information Bureau. As I did with the other officers attached to POW Hqs. I gathered all the interpreters at Hqs. once a week and cautioned them and gave them instructions.
- Q. What was the status of the interpreters?
 A. The status of an interpreter was that of a civilian attached to the Army and they were divided into two classes; SOJIN, which means senior ranking and HANIN, junior ranking.
- Q. What sort of uniform did the interpreters wear?
 A. They wore the appointed Army uniform.
- Q. Then was it exactly the same as the Army uniform or was there any difference?
 A. There was a difference.
- Q. What was the difference?

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EXAMINATION IN CHIEF -- Col TOKUNAGA (ACCUSED) Cont.

- A. On the breast they had five stars; the SOLDIERS, senior ranking, was blue in colour; the HAMILES, junior ranking, was yellow in colour, and on the arm was a star. The colour of the star of the senior ranking was gold, that of the junior ranking was white. On the hat was a stripe around the cap.
- Q. I forgot to ask you something about BOWEN ROAD Hospital, there is a testimony before the Court saying that sometime in September 1944 the water at the BOWEN ROAD Hospital was suddenly turned off, could you explain the facts?
- A. That is true. By order of the Governor General electricity was cut off and not only at BOWEN ROAD but at other places the water was stopped.
- Q. A witness before the Court, Dr. COOMBS, testified that when diphtheria was rampant an application for a horse to make serum was made to the Japanese, do you know anything about this matter?
- A. I do not understand your question clearly.
- Q. To make diphtheria serum a request was made for a horse, do you know anything about this?
- A. There never was such a case.
- Q. A witness, MATSUDA, testified that by only a telephone call a boat could be made available to cross the bay from KOWLOON to HONG KONG, what do you know about the facts of this?
- A. That is not true, as I said yesterday, it would be very difficult to borrow a boat from the unit and the unit would not always be willing to lend the boat.
- Q. Witnesses have testified that Red Cross representatives made visits to the Camp, is this a fact or not?
- A. They did.
- Q. Also witnesses have testified that it was absolutely forbidden to communicate with the Red Cross representatives, is this a fact or not?
- A. That is right.
- Q. Why were they prohibited to communicate with the representatives?
- A. It is the rule when a POW wished to communicate with a member of a foreign country, the permission of the Governor General must first be received. When application is made the exact procedure must be followed. Therefore, when a POW wished to communicate with somebody, the exact procedure must be followed; and from all sides if this procedure was not followed it would have been best to prohibit a communication.
- Q. A witness has testified that groups were formed inside the camp and if somebody in that group did something illegal, the head of that group would be punished, was that a fact or not?
- A. That is correct.
- Q. Another witness has testified that if one of the POWs did something wrong, the use of the Canteen, communication with the outside, use of the newspaper; all these, within a fixed period, would be prohibited to all POWs in the Camp, was this a fact or not?
- A. That is correct. As I said before, in accordance with instructions from the Chief of Staff, such was the case.
- Q. Also a witness has testified that after a case of escape, for a fixed period of time, the rations of the POWs would be reduced, was this a fact or not?
- A. I do not know anything like that, I do not think anything like that happened.
- Q. You just said 'I do not think that' -- what do you mean by 'I do not think'?

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EXAMINATION IN CHIEF -- Col TOKUNAGA (ACCUSED) Cont.

A. By that I mean it could not be thought that such a thing happened, there never was such a case.

Q. Punishment of many POWs because one has done something illegal, what do you think of this punishment in relation to the international law?

A. As I understand international law, collective punishment by reduction in the rations is prohibited, but stopping of the canteen and parcels from outside, are not included in this, I do not think. As I said before the stopping of the canteen and parcels from the outside was in accordance with an order from the Chief of Staff and if such is in violation of the international law I do not think I could do anything about it.

Q. A witness stated that an ^{Intendant} ~~Attendance~~ Colonel and also a Medical Major visited the Camp, is this a fact or not?

A. They came for the purpose of supervising ^{on} ~~an~~ instructions from the Governor General.

Q. Next I wish to ask you about the escape of some Canadians; according to a statement of a witness, in the middle of August 1942, four Canadians escaped from the NORTH POINT Camp, what can you say about this fact?

A. That is true.

Q. In what way did you ^{become} ~~became~~ to know of these facts?

A. It happened during the middle of August 1942; I do not remember the exact day, but it happened the day after a typhoon. I do not remember exactly now whether it was from the gendarmes or from a shipping unit, but I received information that four foreigners that looked like POWs were picked up when they were about to drown and they were kept at the Gendarme Cell.

Q. Do you remember the names of the escapees?

A. I do not remember the names.

Q. After you received the information, as Camp Commandant, what steps did you take?

A. Just at that time there were some POWs who escaped from the SHAMSHUI PO Camp and the Camp Staff were doing their best to recapture these POWs. At first it was thought that these POWs were those who escaped from the SHAM SHUI PO Camp, but after examination it was found that they were escapees from the NORTH POINT Camp. At that time Lt. WADA was Commander in charge of the NORTH POINT Camp and he was ordered to carry out a strict examination of the men in his camp.

Q. I wish to ask you what steps did you take against the four escapees?

A. These four escapees were executed in accordance with an order of the Chief of Staff, Major General ARISUE.

Q. It has been testified that before these four escapees were executed they were firstly interrogated at the Hqs., was this a fact or not?

A. These four POWs were interrogated.

Q. How long after they escaped was this interrogation carried out?

A. I do not understand the question.

Q. After it was known that these four men attempted to escape, how long after this was the interrogation carried out?

A. I do not remember clearly but at the least it must have been three or four days after the attempted escape. This was because every effort was being made to apprehend the POWs who escaped from the SHAM SHUI PO Camp.

Q. What place at the POW Hqs. was the interrogation carried out?

A. I do not remember exactly but it was on the 3rd floor.

INTERPRETER: In Japanese the third floor means the second floor.

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EXAMINATION IN CHIEF -- Col TOKUNAGA (ACCUSED) Cont.

Q. A witness MAK KEE SHING, in this Court, testified that the interrogation took place in the room represented by photograph No. 4 in Exhibit H(4) will you look at the Exhibit and tell if you recognise the photograph or not? *Exhibit is taken from a witness list shown in R.C.*

A. I think it was in the room of photograph No. 4

Q. Do you remember who was present at the interrogation?

A. I remember clearly the then head of the General Affairs Section, Capt KURATA chiefly carried out the interrogation, and the interpreter was NIIMORI.

Q. What relation did you have with this interrogation?

A. This was the second time when POW escapees were recaptured. The first time, that is at the time when the POW Camp was formed three British POWs escaped and they were recaptured.

Q. My question is at the interrogation of these four recaptured Canadian escapees what relation did you have with the interrogation?

A. I was informed that some POWs were brought to the Hqs. and I went to observe the aspect of the interrogation. As I do not know English it would not be much help for me to be at the interrogation so I just went and looked at the faces of the POWs and returned to my room.

Q. Where was your room?

A. The room as shown in photograph 4; the west room next after that room.

Q. By saying the west side it is very hard to understand, will you look at the photograph again and explain more fully?

A. On the left side of the room in photograph 4, is a room, and my room was next to that room.

Q. You said that Capt KURATA and NIIMORI were present at this interrogation, can you remember anybody else who was at this interrogation?

A. I remember these two men because after the interrogation they came to me and made a report, but if there was anybody else I do not remember now.

Q. Do you know the witness MAK KEE SHING who gave evidence in the Court?

A. I do.

Q. How did you come to know him?

A. He was a mess boy.

Q. This witness MAK KEE SHING has testified that you sat in a sofa behind NIIMORI, was this a fact or not?

A. I might have been there but I do not remember clearly now.

Q. How long did this interrogation take, do you know?

A. About 30 minutes; the interrogation took place before noon. The reason why I say this is because right after the interrogation I had lunch with other members of the staff and during the lunch I received the report and discussed the reasons why the POWs escaped.

Q. Also the same witness, MAK KEE SHING, has testified that he saw NIIMORI use a bat on the POWs, was this a fact or not?

A. While I was there nothing like that happened; also I did not hear any noises because of a beating.

Q. Just now you said that you saw for a short time the interrogation, besides this did you have any relation with the four escapees?

A. I myself did not have any particular relation besides that.

Q. Lt TANAKA in his affidavit states that he saw the Camp Commandant slap the POW at that time, do you know anything about this?

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EXAMINATION IN CHIEF -- Col. TOMUNAGA (ACCUSED) Cont.

- A. I do not remember slapping a POW, and you just said that Lt TANAKA saw me slapping one POW, I do not understand why he says one.
- Q. After you received a report of the results of the interrogation what steps as Camp Commandant did you take?
- A. After the interrogation the four escapees were sent to the Gendarmes for a later decision and I went immediately to report the matter to the Chief of Staff.
- Q. Where was the place where you reported the matter to the Chief of Staff?
- A. In the Governor General's building; in the office of the Chief of Staff.
- Q. When you reported the matter to the Chief of staff what sort of persons were present?
- A. When I was reporting the matter to the Chief of Staff some people came into the room because they had something to do, but during the actual reporting to the Chief of Staff nobody except myself and the Chief of Staff were present.
- Q. Then explain the aspect of the way in which you reported the matter to The Chief of Staff?
- A. When I began to report the matter of the Canadian escapees to the Chief of Staff he stopped me and said 'I understand, it is not necessary'. When the Chief of Staff said that he meant that it was only natural that POWs would try to return to their own country by using the darkness of a typhoon night.
- Q. A while back you said that the four escapees were executed in accordance with an order from the Chief of Staff, will you explain concretely the order which you received?
- A. The Chief of Staff said 'I understand' and then he said 'finish with them'. This meant for them to be executed. About this it would be necessary to explain, so I wish to explain.

When the Chief of Staff said that he understood he said this in a way that he was reprimanding me. And also when the Chief of Staff said that it was not necessary, he said that with a feeling that if POWs escaped, the POW Camp would lose face and also the Governor General as Supervisor of the POW Camp would lose face. After each occurrence of escapes, the Chief of Staff would reprimand and instruct me as a Camp Commandant. After the first cases of escapes the Chief of Staff ordered me to close down the canteen; stop parcels from coming in from outside; use collective punishments; cut the rations, but I never myself cut the rations.

After the second occurrence of escape the Chief of Staff instructed me to inform the POWs, through Major General MAITBY, that the POWs who escaped shall be executed.

After the third occurrence of escape, although materials were short, materials were made available and barbed wire fencing was laid around the camp.

After the fourth occurrence of escape, as I said before, I was punished, and also I had the POWs make out an oath that they would not escape. As I just explained to you after each occurrence of escape various steps were taken to prevent POWs escaping, and this case of the four Canadians happened. Because of the many occurrences of escape the Governor General became very indignant. In other words, ~~the~~ guarding at the POW Camp was not sufficient. Even the Camp Commandant has been punished. Everything possible has been done to prevent escapes. Although these various steps have been taken POWs were still escaping and were making a fool of the POW Camp. Therefore we should take a strong stand towards the POWs. Therefore these four Canadian escapees must be executed. I was told in this way by the Chief of Staff. As a Camp Commandant I would lose face but I wish to express myself.

- Q. Will you express what you wish to say?

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Col. TOKUNAGA.

1ST WITNESS FOR THE DEFENCE - Col. TOKUNAGA Isao

EXAMINATION BY CHIEF (Contd.)

A. (Contd.) I thought at that time that if these 4 escapees were executed without trial, it would cause trouble later. Also in connexion with International Law, if such a thing took place it would cause a problem. When I said this to the Chief of Staff, he said that that was not the time to talk about International Law. "The enemy is not following International Law. Our hospital ships are being continually bombed. I have already instructed you that if POWs attempted escape, they should be executed. Isn't it true that POWs have already made oath not to escape? Because you, as Camp Comdt. are following International Law, are not the POWs continually escaping? Even at SHAN SHUI PO at present POWs have escaped and in the future also they may escape. The Governor-General in consideration of the POW camp and you as Camp Comdt., is saying these things. There is nothing to worry therefore carry out the orders." In this way I was instructed.

Q. Who did you order to carry out the execution?
A. I ordered the commander of the NORTH POLO, Lt. WADA.

Q. What did you do with the bodies?
A. The execution took place at KING'S PARK and they were temporarily buried there over the night. The next day I ordered Lt. WADA to have the bodies removed and buried in the POW cemetery.

The Court goes into temporary recess at 11.30 AM
The Court re-assembles at 11.55 AM

Q. There is a testimony saying that some time in September 1942 some of the British POWs dug a tunnel and attempted to escape. Was this a fact or not?
A. I know about this.

Q. Were the POWs that were involved in this incident captured?
A. They were taken to the gendarme unit.

Q. Do you remember their names?
A. No.

Q. What steps were taken in regard to this case?
A. As in the case of the Canadians, they were shot in accordance with an order from the Chief of Staff.

Q. Where did you receive this order?
A. In the Chief of Staff's office, in the Governor-General's building.

Q. What were the circumstances of this order?
A. They were the same as the Canadian escapees but it was added that escapes at SHAN SHUI PO camp were continually happening therefore positively this must take place.

Q. How long was the period that elapsed from the time you received the order until the shooting was carried out?
A. I do not remember exactly but I think 4 or 5 days elapsed.

Q. Who did you order to carry out the shooting?
A. The commander in charge of SHAN SHUI PO camp, Lt. SAKAI.

Q. What did you do with the bodies?
A. They were buried next to those of the Canadian POWs, in the POW cemetery.

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Col. TOMIAGA.

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- Q. Then these British escapees, as in the case of the Canadian escapees, were shot without trial? Was that the case?
- A. That was the case.
- Q. As regards the Canadian escapees and the British there is a report concerning this matter that has been produced in Court stating that it was reported to the TOKYO POW Information Bureau. Was ever such a report made, do you know?
- A. Such a report was sent.
- Q. Do you remember the outline of the contents of the report?
- A. I remember.
- Q. In that report it says that the escapees were shot during their attempt to escape. This does not tally with the evidence you just gave before the Court. How do you justify your evidence?
- A. The Chief of Staff told me not to worry, but shooting without trial seemed to me unreasonable. The escape took place during a typhoon night and during such a night it would be very difficult to guard. Therefore during such a night utmost precaution must be taken in guarding. However, on the camp site no special precautions were taken and even after the morning rollcall they did not know of the fact of the escape. Such carelessness on the part of the camp staff is something that would cause loss of face. The members of the guard were picked out from various units and because the guards let the POW's escape would be carelessness on their part. Also it would cause trouble on the part of the unit and also the POW camp must do its utmost in matters of guarding. If such a case is allowed, it would be a dishonour for the POW camp. Even though it was a mistake honestly speaking I had such a report made out so that it would not hurt the honour of the guards with the intention that in future the camp would do its best to improve guarding.
- Q. You have made 2 statements concerning the interrogation of the Canadian and also the British escapees, but the contents of both statements are different. Why is this?
- A. In the first statement I said that the Canadians were shot in accordance with an order from the Chief of Staff, but the Chief of Staff died in action in the south therefore there would be nobody to certify as to the facts. I was quite worried about this and thought about it very much. I myself had no intention of shooting the escapees without trial, therefore I made out such an affidavit in accordance with my intention. After making the first affidavit I thought about it very much because it transferred the responsibility to my subordinates and this made me feel very regretful. Therefore I made a new affidavit. It is very shameful for me to say this.
- ALL
ARISE
- Q. Until what date was Chief of Staff ARISE stationed as such?
- A. He was posted as such until some time in October 1942. At that date he was transferred South.
- Q. At the time of the escapes of the Canadian and British POW's did you know in what way punishment was stipulated in Japanese internal law?
- A. I do.
- Q. Would you ask Mr. SMITH, what he means by "internal" law? Does he mean the law of the country, military law, or regulations governing what?
- DEPT 33: By that I mean a law made by JAPAN stating whether a POW could be punished or not in such circumstances.

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Col. TOMIAGA.

- Q. If you remember the name of the law, will you tell the Court?
 A. I think it was the POW Punishment Law.

COURT: Would you ask the witness does he remember the date of the law of which he has just given the name?

- A. This POW Punishment Law was promulgated as a law some time in March, 1943, I think.

Q. Before that date, what was it?

- A. Before that, there was a punishment rule concerning POWs.

COURT: You have asked the witness whether he remembers the provisions of a certain rule of law in connexion with POWs. Before you go on to the next charge the Court would like to hear witness say what was laid down by this law to which he has referred. On the other hand, if you are proposing to produce this regulation and do not wish to ask witness until it has been translated, you are quite within your rights to wait until then.

DEFENCE: At present I am making preparations to have the law produced later to the Court.

- - -

At 1230 hrs. the Court adjourn until 1000 hrs. on Monday, 6 January, 1947.

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1000 hours.

TWENTYNINTH DAY'S proceedings of the trial of Col TOKUNAGA ISAO, Capt SAITO SHUNKICHI, Lieut. TANAKA HITOSHI, TSUTADA ITSUO (interpreter) and Sgt HARADA JOTARO held at HONG KONG on the 6th January 1947.

(Held at Jardine Matheson's East Point Godown).

The Court re-assembles at 1000 hrs RCL.

EXAMINATION IN CHIEF -- Col TOKUNAGA (ACCUSED) Cont.

COURT: Will you remind the Accused that he is still bound by his original affirmation.

REC
M-M Before I ask you about the Red Cross parcels, I have forgotten to
FUTTA ask you about two points; therefore, I will ask you those two points first.

Q. What was the method in taking the roll call of POW?

A. At a fixed time the POWs would be gathered in the parade ground and the report of the person responsible on the POW side would be compared with that of the Japanese side. The Commander in charge of the camp would carry out the roll call. In the case of rain, the roll call would be taken inside the huts and the persons in charge would go to the hut and take the roll call.

Q. Was there a regulation stipulating what sort of POWs should be on the roll call parade?

A. All POWs beside patients who could not walk, and because when the huts were left vacant during the roll call things would be lost, somebody was left in charge of the huts, so, beside the patients and those persons in charge of the huts, all other POWs would be required to be on roll call.

Q. You have testified that if a POW wished to communicate with someone on the outside he must first receive permission; was there ever a case when such permission was granted to a POW?

A. There were many such cases. For instance, if somebody in the family of a POW was very sick, there were many cases when the POW of such a family would be allowed to go to his home and visit the sick member of his family. Also, in the case of settling any financial matters, i.e. if a POW's presence was necessary to settle any financial matters and if the POW was not present such matters could not be settled, in such a case the POW was allowed to go home and settle the financial position. Also there were cases where if a member of a family were to be sent home on an exchange ship, that is, to be repatriated on an exchange ship, the POW was allowed to inform his relations before they returned.

Q. Next I will turn to Red Cross matters; first of all, will you explain what sort of parcels from outside were allowed to be sent into the Camp stating the parcels separately?

A. Comfort articles from the International Red Cross; the local Hong Kong Red Cross Association; personal parcels sent in by relatives locally; comfort articles sent from the Pope of Rome.

Q. When were the International Red Cross parcels received?

A. At one time, sometime in October 1942; at one time during the end of January 1945; and the Canadian Red Cross articles, which were addressed personally to the POWs, were received sometime at the beginning of February 1945.

Q. Do you remember on what ships these parcels were sent?

A. The first lot came on the KAMAKURA MARU; the second lot, I think, came on the TEIA MARU and the third lot came on the AWA MARU.

Q. Did the personally addressed Canadian parcels come on the AWA MARU?

A. That is correct.

Q. Do you remember what sort of Red Cross parcels came on the KAMAKURA MARU and on the TEIA MARU?

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EXAMINATION IN CHIEF -- Col TOKUNAGA (ACCUSED) Cont.

- A. I remember. Food stuffs and clothing came on the KAMAKURA MARU. No drugs came on that ship. The lot which came on the TEIA MARU consisted mostly of food rations. Also this lot included clothing, medicine, books, tobacco and recreational articles such as records and materials for staging plays.
- Q. It must have been necessary to have such articles unloaded from the ship, who was in charge of the unloading of these articles from the ship?
- A. These articles were unloaded under the supervision of the Shipping Unit.
- Q. Was there any relation between this shipping unit and the Hong Kong POW Camp?
- A. This shipping unit was in charge of embarking, disembarking, loading and unloading; therefore, because of this the shipping unit's instructions were necessary.
- Q. Do you remember who actually did the unloading from the ship?
- A. I did not see the actual unloading myself but I heard that the Shipping Unit used Chinese coolies in such work.
- Q. Where and in what method were these unloaded articles received by the POW Camp?
- A. The Intendent Officer, KATO, was in charge of such POW Relief matters. This Intendent Officer, KATO, went and saw the Officer-in-Charge of cargo of the Shipping Unit and he, with this officer-in-charge, compared the invoice and received the articles.
- Q. Do you know the actual method by which this Intendent Officer, KATO, and the Officer-in-Charge of Cargo compared the articles with the invoice?
- A. I did not inspect the spot so I do not know the actual method by which the articles were taken over. Later, according to a report which I received, two boxes containing articles were short in the case of the TEIA MARU when the articles were compared with the invoice. A representation was sent to the Shipping Unit but nothing could be done and this situation was informed to the POWs and their understanding was received.
- Q. You said that two boxes were missing; do you know the contents and the size of the boxes?
- A. I do. The boxes were about 20 cms. x 30 cms. x 80 cms. -- rectangular boxes. These boxes contained rations and because the rations were in a bag I knew that the boxes contained rations.
- Q. When you received the International Red Cross articles did you get in touch with the local representative of the Red Cross?
- A. When the first lot came on the KAMAKURA MARU, I did not communicate with the local representative. This lot came suddenly and I did not have time to get in touch with the local representative and as I now think about it, it seems strange. In the case of the TEIA MARU the date of arrival was known before hand and at that time the local representative came to my place and said that he wanted to watch the unloading and also take photographs. I told the representative that as the ship would enter a military port, and that in such a port no foreigners would be allowed; therefore, he would not be permitted to go there and I told him that I would show him the articles at the earliest opportunity. Therefore, the local representative did not go to the spot of the unloading. After the unloading, the articles were sent immediately to the storehouse in the SEAM SHUI PO Camp and before I myself had even seen the articles, the local representative and myself went the next day to inspect the articles.
- Q. Where were the Red Cross articles that were brought on the KAMAKURA MARU, the TEIA MARU and the AWA MARU stored?
- A. The lot that came on the KAMAKURA MARU was stored at GUN CLUB Hill ^{RA}

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EXAMINATION IN CHIEF -- Col TOKUNAGA (ACCUSED) Cont.

and also in the Godown of the SEAM SHUI PO Camp. The lot that came on the TEIA MARU and the AWA MARU were stored in the godown of the SEAM SHUI PO Camp respectively.

- Q. There are evidences that have been given to the Court stating that Red Cross articles were stored at POW Hqs. do you know whether this is a fact or not?
- A. For a short time some articles were kept at Hqs. under orders to be sent to the POWs that were interned in Canton; besides this short time, at no other times were Red Cross articles stored at POW Hqs.

- Q. How were the articles actually stored in the Godowns?
- A. All foodstuffs were handed over to the POWs to be kept by them and they could, on their own, in time use the food stuffs. As for clothing, the larger part was handed over to the POWs; a small part was kept by the POW Camp with the intention of supervising the distribution because the articles kept by each POW was different, and with the intention of making an equal distribution, this small part was kept under the control of the POW Camp. The clothing that was kept by the POW Camp was kept with the intention of distributing them under the control of the person who was in charge of this part of clothing, and this was the Intendent Officer, KATO. Some drugs came on the TEIA MARU, and because it was definitely laid down in the instructions from the POW Information Bureau, these drugs were distributed as follows: The Purser who came with the TEIA MARU instructed me thus: He said that a big lot of medicine has arrived on the TEIA MARU and if these medicines are distributed all at once they would be used up immediately, therefore, the drugs and medicines must be distributed according to necessity, under control. A large part of these medicines was handed over to the POWs and the remaining part was kept by the POW Camp and I ordered Dr. SAITO to have the remaining medicine distributed in accordance with the circumstances. The articles which came on the AWA MARU were personally addressed articles and some of the articles were addressed to POWs in the Hong Kong Camp, some to those that were in the STANLEY PRISON and some to those who had already been sent to Japan and some to those who were released from STANLEY PRISON.

- Q. In what part of the STANLEY PRISON were these POWs interned?
- A. I mean the internees. There were articles in this lot addressed to the internees that were kept at STANLEY Internment Camp. With regard to the distribution of these personally addressed parcels, the POW representative was called and the articles were divided, according to the names, in lots, as I have stated just now. All arrangements were made for dividing the parcels into various lots with the intention of having them distributed.

- Q. How was the godown in GUN CLUB HILL and also the godown in SEAM SHUI PO Camp built?
- A. Please repeat the question.

- Q. How were the godowns in which these Red Cross articles were stored, i.e. the godown at GUN CLUB HILL and the godown in the SEAM SHUI PO Camp, how were they built?
- A. The godown at GUN CLUB HILL was a very good godown. When articles arrived by the TEIA MARU they were stored in a house adjacent to the bathroom at the SEAM SHUI PO Camp and this house used as a godown was quite alright but there were many rats in the house.
- Q. If anybody wished to enter these godowns could they easily do so? Both the GUN CLUB HILL godown and the SEAM SHUI PO Camp godown -- could they easily enter the godowns if they wished to do so?
- A. Most likely they could have broken into these godowns -- they could not be absolutely guaranteed against robbery.
- Q. Do you know how the doors of these godowns were fixed?

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EXAMINATION IN CHIEF -- Col TOKUNAGA (ACCUSED) Cont.

- A. I do not remember clearly how the doors were fixed but guards were posted and if these guards did their duty sufficiently I do not think there would have been any worry about robbery.
- Q. How were the other Red Cross parcels, beside the personally addressed parcels, distributed. I have asked you already about the medicines; besides the medicines and the personally addressed parcels, the remaining parcels, how were they distributed?
- A. The distribution of Relief Articles was the duty of the Intendent Officer, IATO; therefore, I ordered this Intendent Officer to distribute the articles.
- Q. Have you any knowledge of how the Intendent Officer IATO took the articles out of the godowns and how he distributed them to the POWs?
- A. I do not positively know.
- Q. Now, I wish to ask you about locally sent in parcels, at what times were these locally sent in parcels permitted?
- A. Usually once a week these parcels were permitted. But sometimes in special cases besides this one time such parcels were permitted.
- Q. What do you mean by special cases?
- A. By that I mean such times as Christmas, Easter Sunday, and the birthday of the POWs.
- Q. Where were these locally sent in parcels received?
- A. These locally sent in parcels were received next to the gateway of each camp. There was no place at ARGYLL STREET Camp, therefore, the locally sent in articles intended for the ARGYLL STREET Camp were received at the Hqs.
- Q. Were these locally sent in articles limited in some way?
- A. There was a limitation on these parcels.
- Q. What sort of limitation was there?
- A. Foodstuffs which were thought to be detrimental to the health of the POWs, tobacco, and thing that were suspected of secret communication.
- Q. What was the actual method in receiving these parcels?
- A. A printed form was given to the sender which stated the name, nationality and address of the sender and also included the name of the receiver; the contents that were to be sent and the number. The Commander in charge of the Camp would gather all the interpreters that were available and have them compare the articles with this printed form and after this comparison was finished, the articles would be received.
- Q. If a prohibited article was found in a locally sent in parcel what happened to this prohibited article?
- A. The name of the prohibited article would be scratched off from the printed form and the signature of the sender would be attached to the place where the article was scratched out. Frequently eggs were sent; sometimes the eggs would break on the way and therefore the number would not tally with the number in the printed form; in such cases also the printed form would be altered.
- Q. What happened to the prohibited articles?
- A. Before hand bags would be prepared and if for instance A brought in some articles, a bag would be numbered AI and the articles which this person A brought in would be put into this bag numbered AI.
- Q. You seem to misunderstand my question; I wish to know, for instance, if a prohibited article was found in the sent in parcels, what happened to this prohibited article?
- A. Such prohibited articles were returned to the sender but this happened only at the beginning because later the sender would not include articles which were prohibited; but there was the question of altering

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EXAMINATION IN CHIEF -- Col TOKUNAGA (ACCUSED) Cont.

the form when articles were broken on the way.

- Q. As you just explained the articles were put into a bag, then what was the actual method in which these articles were distributed to the POWs?
- A. After the inspection of sent in parcels was finished, a POW work party would come and take the articles and the POW representative, after he compared the parcel form with the contents, in the presence of the receiver, he would hand the articles to the receiver.
- Q. You also stated that some parcels were sent by the local international Red Cross, what sort of parcels were sent?
- A. Things that were sent by the Hong Kong Red Cross were mostly rice bran, soya bean sauce and sugar and eggs and tomatoes were sent to the hospital. As for eggs, as I remember it, only once or twice these were sent.
- Q. How were these articles received and what was the method in which they were kept?
- A. First of all the local representative would say that he would like to send a certain number of articles and he would ask what would be the most convenient time to have the articles sent. The POW Camp would fix the time and day when it would be convenient to have the articles brought in and in most of the cases the Intendent Officer, IATO, with the help of the Commander in charge of the Camp, would compare the articles and receive them. I forgot to add that in the case of locally sent in articles, and when the Hong Kong Red Cross sent in articles, the Camp Commandant did his best to be present on those occasions.
- PROSECUTOR: Does he mean himself when he says Camp Commandant or does he mean the Commandant of the Camp like SAKAINO?
- COURT: Mr FUJITA will you ask Accused if he meant himself when he said Camp Commandant or did he mean one of the Camp Commanders were present?
- ACCUSED: The Commander in Charge of the Camp would always be present on those occasions and the Camp Commandant would do his best to be also there on those occasions.
- Q. After receiving articles from the Local Red Cross and until they were actually distributed to the POWs what was the method in which they were kept?
- A. They were immediately distributed to the POWs.
- INTERPRETER: May I make a correction in my interpretation -- I said parcels from the Pope of Rome was sent. The Accused said money was sent by the Pope of Rome.

DEFENCE:

- Q. What happened to this money that was sent by the Pope of Rome?
- A. The amount sent was about 1000 Yen and this was sent twice, as I remember it.
- Q. Do you mean that on each occasion 1000 Yen was sent or that the total was 1000 Yen?
- A. On each occasion it was 1000 Yen.
- Q. How was this money disposed of?
- A. As the amount sent was very small the POW representative was consulted and it was decided that this money should be used in the canteen.

The Court is adjourned for five minutes recess at 1130 hrs RCL
The Court re-assembles at 1135 hrs RCL

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EXAMINATION IN CHIEF -- Col TOKUNAGA (ACCUSED) Cont.

- Q. You have testified that the money amounting to 2000 Yen was spent on the Canteen, do you know how it was spent on the Canteen?
- A. I do not know how it was used but the Intendent Officer, KATO, said that the money was handed over to the Representative of the POWs and it was spent in the Canteen.
- Q. You have said that Red Cross supplies for the Canteen was kept at the Hqs. of the POW Camp for a short time, do you know how this was kept?
- A. There was a ~~xxxx~~ storage under the Hqs. building of the POW Camp and the Intendent Officer KATO was responsible for keeping this stuff.
- Q. Now I will ask you about the Canteen, how was the Canteen operated and by whom was the Canteen operated?
- A. The POW side appointed a representative who was responsible for the operation of the Canteen and it was operated under the supervision of the POW side. The Japanese Camp Staff had supervision over this canteen and it was operated like this: According to payment by the POWs, the Japanese side would purchase articles from outside and later on I was ordered to limit the sales-sum in the canteen, so in this manner the canteen was supervised by the Japanese side.
- Q. How were the prices of the articles fixed in the canteen?
- A. The prices of the articles which were sold in the canteen were fixed like this: Merchants would bring in the articles to the POW representatives and the POW representative would add 5% profit to the price and they sold the articles -- the Japanese POW Camp Staff would only hand the articles to the POW side and the 5% gain was decided by the POW side themselves.
- Q. How and who kept the sales money?
- A. It was kept by the POW staff. The money was paid after the article was brought in. Now I would like to add something else. The market prices of various articles had been rising, especially in tobacco, as there was a shortage of tobacco. Besides, tobacco was prohibited in locally sent in parcels because there was some trouble with regard to this article and, therefore, there was a shortage of tobacco. With regard to this, I did my best, and also sent Lt TANAKA especially to the Governor General's Office to try and do his best in getting tobacco as cheaply as possible.
- Q. A witness MAI KEE SHING said that about 120 bottles of milk were brought in to Hqs. do you know whether this is a fact or not?
- A. I think this was a fact because milk was distributed.
- Q. For what purpose were these bottles of milk brought into Hqs?
- A. Milk was purchased by the Camp for the purpose of distributing to the patients. Milk intended for the Officer's Camp in ARGYLE STREET and ST TERESA'S hospital and also the INDIAN HOSPITAL, was brought into Hqs. for distribution.
- Q. You have said that milk was purchased by the Camp, can you explain this completely?
- A. I mean that milk was purchased at the expense of the Camp for distribution to the patients.
- Q. Was there any ~~xxxx~~ fund in the Camp included for the expenditure of milk for the patients?
- the witness said*
- COURT: Ask Mr. FUJITA when he says fund does he mean a fund provided by the prisoners themselves, a fund provided by the Red Cross or what fund does he refer to?
- DEFENCE: From where did the POW Camp receive funds for this expenditure?

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EXAMINATION IN CHIEF -- Col TOKURAGA (ACCUSED) Cont.

ACCUSED: This was the Camp Patients' expenses -- it was not a fund provided by the POWs or the Red Cross; it was a Camp fund.

COURT: Does he mean it was a fund provided from Japanese sources.

ACCUSED: Yes, it was supplied from Japanese sources.

In the beginning the milk for distribution was sent for nothing by the Governor General but later on the expense became higher so the milk was purchased cheaply by the Camp for distribution.

Q. Was there a Japanese interpreter by the name of WATANABE?

A. Yes there was.

Q. What sort of a person was he?

A. He had relations with the religious circle and he was a very quiet man.

PROSECUTOR: May I submit that this name was suppressed from the Press previously -- if you will recall this interpreter's name was deleted on a previous occasion. The name was shown to Mr. Fujita and it was agreed to delete it -- I don't know what Defence is leading up to but I suggest anything in connection with WATANABE be suppressed by the Press.

COURT: Nothing has been said yet and unless there is something ^{more} which requires to be suppressed ^{by} the Press I do not think it is material -- I do not know myself what Mr. ^{acc} Fujita is leading to, but let Defence carry on with his ^{the} questions and then we shall see what the point in question is.

DEFENCE:

Q. In a statement it was stated that this WATANABE was punished because he was suspected of stealing Red Cross supplies, do you know anything about this?

A. No, there was no such fact.

Q. There was a civilian attached to the Army by the name of ABE at Hqs., is that correct?

A. Yes there was.

Q. Until when was he stationed at the Camp?

A. I do not remember exactly but I think he was there until March 1944.

Q. Do you know what happened to him after he left Camp?

A. Yes, I know -- he was a Contractor to the Governor General's Office and he supplied various commodities, and he was in Hong Kong.

COURT: Can you have that explained a little more clearly; does Accused mean after ABE left Hqs. he became a Contractor. Will you ask Accused if that is what he means?

ACCUSED : Yes, after ABE left the POW CAMP he became a contractor to the Governor General's Office.

DEFENCE:

Q. Was there an interpreter NIMORI in the Camp?

A. Yes there was.

Q. There was a testimony in this Court stating that NIMORI and ~~JOHN~~ ABE together opened a shop in Hong Kong, do you know anything about this?

A. I do not know anything about this.

Q. Until when was NIMORI employed at the Camp?

A. He was there until the surrender.

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EXAMINATION IN CHIEF -- Col TOKUNAGA (ACCUSED) Cont.

Q. There is a testimony in this Court stating that ABE made a profit by doing something illegal with the Red Cross supplies, do you know anything about this fact?

A. I do not know.

Q. There is a testimony stating that at the SHANSHUI PO Camp fowls and pigs were kept, is that true or not?

A. Yes it is true.

Q. What happened to the eggs which were produced?

A. The majority of those eggs were distributed to the patients and the remaining part of those eggs were sold in the Canteen.

Q. There is a testimony in this Court stating that you were seen when Red Cross supplies were brought and kept in the Chinese houses just in front of the SHAN SHUI PO Camp addressed to the Canadian soldiers, what have you to say about this?

PROSECUTOR: Sir, I think there is a mistake here -- I think the evidence was that they were kept in the guard house and not in the Chinese houses. In one evidence it was alleged that TAKAKA lived in a house close to the gate... However, I think it was Mr. HALL's evidence which mentioned having seen the Canadian parcels in the guard room.

COURT: If you refer to Mr. HALL'S evidence, page 358 of the proceedings, it reads as follows: "Q. What have you behind the ablution rooms? A. An empty space and to the north side of it was what we called bath house. Q. What was this bath house used for? A. The Japanese military etc. etc. There were two other rooms or rather Chinese tenement houses attached to these bath houses and they were used from time to time for storage of Red Cross parcels that were taken to camp before they were distributed.

I think this clarifies the doubt.

Will you ask the question again, Mr. FUJITA?

Q. There is a testimony stating that you were seen when you brought out the Red Cross supplies addressed to the Canadian soldiers which were kept in the former Chinese houses just in front of the SHAN SHUI PO Camp, can you say anything about this matter?

A. As to this fact, I have taken out some parcels. I brought out some parcels with the intention of taking them to persons who were released from the internment camp to the Hong Kong city. By that I mean the persons who were released from STANLEY prison to Hong Kong city. I asked the Red Cross representative, Mr. ZINDEL, to find out the address of the person who was released in the city. And there were some other parcels addressed to persons who were interned in STANLEY Prison, so I took these out to have them sent to STANLEY Prison. In that testimony it states that parcels were taken out by the Japanese arbitrarily, but that was done in the presence of the POW representative.

Q. In a testimony it was said that during the Japanese occupation of Hong Kong Red Cross supplies and cigarettes were sold in the city, can you say ~~any~~ anything about this fact?

A. Yes, some were sold in the city.

Q. It is also stated that empty cans of Red Cross supplies were piled up behind the Hqs. building, what can you say about this?

A. I do not know anything about this.

Q. You have just said that it was a fact that tinned goods and Red Cross supplies and tobacco were sold in the city, but from where did those

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EXAMINATION IN CHIEF -- Col TOKUNAGA (ACCUSED) Cont.

goods come. Do you know anything about this?

- A. When the TEIA MARU and the ANA MARU brought supplies, before the actual unloading was done, considerable amount of the articles were stolen by the coolies, and those goods were being sold in the city and I asked the Gendarmerie to try and have the goods re-collected. Apart from this some more Red Cross supplies and other things were sold through the hands of the guards at the Camp by the POWs. These goods found their way into the market. At the Officer's canteen also these goods were being sold and I think the goods found their way into the market in this manner at that time.

- Q. I do not understand, you say at the Officer's Canteen such goods were being sold and those goods found their way to the market, what do you mean by that?

- A. I mean to say those goods were ~~was~~ sold through the hands of the guards. By saying that I mean, at that time, officers were eager to have money and because the prices of the various articles became higher, they had to send money to the outside to receive locally sent in parcels. Therefore they had to have money and also the officers wanted to have tobacco, but tobacco was very short so they had to buy tobacco through the hands of guards. That was the reason why these articles found their way to the market.

- Q. And also there is a testimony saying that considerable amount of tinned goods marked 'Red Cross' were seen in the residence of Col TOKUNAGA, can you say anything about this?

- A. Yes, there were some, but not a considerable amount.

- Q. How did these tinned goods come to your home?

- A. Those goods were presented by the POW representative to me. I think they made a mistake when they said tinned food. A large quantity of tinned food was distributed by the Governor General's Office to me as Red Cross tinned food.

- Q. What was the reason why these tinned goods were distributed to you by the Governor General?

- A. I asked them what sort of goods were there and they showed me some of the articles and gave them to me.

DEFENCE: I have completed questioning on the subject of Red Cross supplies.

COURT: The Court is adjourned until 1415 hours.

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1415 hours.

6th January 1947.

EXAMINATION IN CHIEF -- Col TOKUNAGA (ACCUSED) Cont.

1415 to 1420

The Court reassemble pursuant to adjournment at 1230 hours.

COURT: Will you remember that you are still bound by your original declaration.

Q. What was done with letters addressed to POWs in the Camp?

A. The letters were censored at POW Hqs. and if they were passed they were handed to the POWs.

Q. Was there a limitation to the number of words in a letter?

A. There was.

Q. What sort of limitation was there?

A. The number of words were limited. At the beginning up to 200 words were allowed, later on, this was changed to about 50 words.

Q. Who stipulated this limitation?

A. It was laid down that according to the circumstances the Camp Commandant could limit the words. After the limitation was set, it was laid down that it should be reported to the Information Bureau.

Q. Then in that case how could the sender of a letter addressed to a POW know of such a limitation?

A. I do not understand the meaning of your question.

Q. About the limitation of 200 words, if a person wished to send a letter to the POW Camp, how did he know that there would be such a limitation in a certain Camp?

A. It seems that I misunderstood your question; I answered your question on the understanding that the limitation referred to the number of words that a POW used in his letter when he sent a letter outside, therefore, I answered your question in that aspect. I wish to correct my answer. There was no limitation to the number of words in a letter sent to a POW.

Q. A witness has testified that in accordance with an order from Col TOKUNAGA, letters of more than 50 words were destroyed, what do you know about this?

A. There never was such a fact.

Q. Then, was there ever a case of burning letters concerning POWs?

A. I do not understand.

Q. I asked you whether, just before the surrender, was it a fact or not that the letters of POWs were destroyed?

A. I have no knowledge of such a fact -- I do not think there was ever such a fact.

Q. Next I wish to ask you about the car which you used. Was there anything special on that car to enable anybody to know that Col TOKUNAGA was riding in that car?

A. There was.

Q. What sort of signs were there?

A. On the licence plate of the car it was marked 'FU No.1' which means POW Camp.

Q. Were there any other markings?

A. Also, as laid down in the regulation, a red flag was put on the car. This red flag signified that a full ranking officer was riding in the car. In accordance with the regulation, if a red flag is put on a car it signifies either a Major, Lt Col or Col is inside and if this red flag is put on the car that has the licence number FU No.1 it means that I am riding in the car. Also, at that time there was a shortage of cars and frequently some other persons used the same car.

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EXAMINATION IN CHIEF -- Col TORUAGA (ACCUSED) Cont.

Q. How much was the rent of the house in which you lived?
 A. There was no rent, the house was gratis.

Q. How were rations supplied ordinarily to military personnel?
 A. Military rations were received and these were cooked.

Q. There is a statement saying that when you were the POW Camp Commandant you were very fat, is that a fact or not?
 A. I was not only fat when I was Camp Commandant, I was fat ever since I was a child; however, at present I am quite thin.

Q. When did you enter STANLEY Prison?
 A. I entered STANLEY Prison on 25th September 1945. Before that I was detained in the Police Detention cell from 9th September 1945 then on the 25th September I was transferred to STANLEY Prison.

Q. You say that at present you are quite thin, what do you think is the reason why you became quite thin?
 A. Insufficient food and illtreatment.

Q. Witnesses have stated that they have seen the Camp Guards ill-treat Chinese in the Camps. What can you say about this?
 A. About this matter I do not know anything at all. I have my doubts if such events ever happened. The guards are there for the purpose of guarding the POWs and I do not think that they would bring in passing Chinese and illtreat them. In the case of SEAM SHUI PO Camp the camp is situated some distance from the road and it cannot be thought that the guards would go to the road especially to bring in some Chinese to illtreat them. The policy of the Governor General was that the hand of the Chinese must be gripped and that it must be endeavoured to understand the spirit of the local Chinese people. The policy of the Governor General was to treat the Chinese better than the POWs. Therefore, it could not be thought that it was a fact that guards illtreated the Chinese. I regret deeply that such things were said about the guards.

Q. Just a while back you said that at SEAM SHUI PO Camp it was quite some distance from where the guards stayed to the road, how much was this distance?
 A. About 200 meters. Before reaching the road there was a gendarmerie station and on the other side there were some farming fields.

Q. Was the use of the road from main road to the camp to the main gate of the camp permitted by everybody to be used?
 A. Right in front of the gendarmerie the road suddenly turned, and if one did not have the intention of coming to the POW camp he could not see the Camp from the main road. The Gendarmerie was situated right at the corner of the bend and those who had anything to do with the Gendarmerie would go into the Gendarmerie from that corner and from that corner onwards there were vacant fields, therefore, the road was not much used. Also I wish to add that in one of the affidavits it is mentioned that someone passed outside of the fence, but that was impossible; on the outside of the fence there was a beach.

COURT: Witness has not answered the question directly -- the question was whether people were allowed to use the road between the Main gate of the Camp and the main road to the camp -- the Accused stated nobody used it -- I want to know whether there was any order or law about the use of this road?

DEFENCE: Was the use of the road between the main road and the main gate of the Camp permitted to be used by everybody?

ACCUSED: Part of the road near the Gendarmerie station was now allowed -- the guard on duty at the time would not permit anybody using the road because he could only see up till the bend of the corner of the gendarmerie station.

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EXAMINATION IN CHIEF -- Col TOKURAGA (ACCUSED) Cont.

- Q. In a testimony a witness has stated that the beach ran on the west and north side of the Camp, was this a fact or not?
- A. It was a fact.
- Q. You say that outside of the fence one could not pass because of the beach; which boundary of the camp was this?
- A. Both the west and north boundaries; that is because on both of these boundaries there was a stone wall and right on top of the stone wall barbed wire entanglements were placed.
- Q. At the SNAI SHII PO Camp, what was the location where the guards were posted?
- A. Looking from the POW Camp west of the main gate and from that position the guard could see for quite a distance ahead of him.
- Q. In what way could he see for quite a distance?
- A. The road from the main gate was about 30 to 40 meters in width and the gendarmerie was on the east side of this road, and a guard was posted on the west side of the road; therefore, he could see for 200 meters to the gendarmerie and also he could see until the main road.
- Q. In what way was the eastern boundary of the Camp defined?
- A. A part of the boundary was made up of fields; the other part was taken up by a M.T. (Motor Transport) Company.
- Q. From this eastern boundary until the main road where pedestrians were permitted, what was the distance?
- A. About 150 meters to 200 meters from the boundary there were farming fields and a lot of unused broken down houses; the closest point was about 300 meters.
- Q. About the beach, what would happen to the beach in relation with the tides -- high tide and low tide?
- A. At low tide, at the north part, the tide would ebb for about three-quarters.
- Q. I cannot understand what you mean by threequarters -- what was the distance from the stone wall to the water at low tide?
- A. The north part gradually slopes down towards the west; because of this the eastern side is high; the water would gradually ebb out from the ~~west~~ eastern side - remaining on the western side.
- Q. What happened to the western side at low tide? What happened to the western beach when the tide ebbed?
- A. Water remained there.
- Q. Many witnesses have used the word 'bamboo pier' where was this pier situated?
- A. I do not know.
- Q. You have testified before this Court that you took over duties at noon on the 31st of January 1942, but in your affidavit you said that you took over duty on the 24th of January 1942, what can you say about this difference?
- A. When I was asked the date I arrived in Hong Kong, I stated that I arrived in Hong Kong on the 24th of January 1942. Actually I took over duties on the 31st of January 1942. Therefore, it could not be thought that I had any responsibility before this date. Also, when I received the charge sheet I said that I took over duties on the 24th of January and I asked for the date of the 24th to be altered to that of the 31st.
- Q. About your affidavit -- when you signed your affidavit, at the time that you signed, what was your knowledge of the contents?

COURT: Which affidavit are you referring to -- are you referring to the Charge Sheet or to which affidavit do you refer?

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EXAMINATION IN CHIEF -- Col TOKUNAGA (ACCUSED) Cont.

DEFENCE: Exhibit W(3).

PROSECUTOR: Sir, can he deny this now -- he signed it?

COURT: He can be asked the question.

DEFENCE: Before you signed the affidavit what steps did you take?

ACCUSED: As I do not understand English, the interpreter told me about the contents and I signed the affidavit but this is what I remember -- the following which happened at that time.

DEFENCE: Answer my question -- do not ramble off on to anything else.

ACCUSED: I was asked how long I have stayed in Hong Kong. I answered the question stating that I was in Hong Kong from the 24th of January 1942.

Q. Is that all?

A. That is all.

Q. A while back you wished to explain something about the line of thought of the higher authorities concerning POWs, and at that time I stopped you and asked you to give your explanation later, now will you give that explanation?

A. As I hear it -- not only the ^{rec}members of the Hong Kong POW ^{rec}Camps but members of POW Camps elsewhere have been brought to trial. I wish to express here the reason why the various POW Camps have found it hard in treating the POWs. The first reason was that Japan was finding it a bitter battle against the British and Americans. The second reason, the general line of thought of a Japanese concerning POWs is quite different from the line of thought of an American and a European. About the difference in the line of thought between western people and that of the Japanese, I explained here in Court what I told the POWs at the time when I took over duties at the POW Camp. According to a Japanese, not only military personnel but women and children would think it better to die than to become a POW. This principle was strongly taught to women and children and in this war, in the Pacific area, many women and children died rather than be POWs. I think this is the biggest reason why although Japan had signed the Geneva Convention she did not ratify it. Take a more plain example, there was a case in Tokyo, when a certain Japanese lady watched POWs doing unloading labour. This Japanese woman pitied the POWs and used the following words to a friend "oh, what a pity". Outsiders who heard this remark became very angry. This incident was reported in the newspapers and the newspapers strongly reprimanded this Japanese woman because she expressed pity towards an enemy POW. This phrase 'oh what a pity' became a common ^{rec}day saying and it was used even when real pity was not necessary.

DEFENCE: Do not give any examples, continue your explanation more concretely.

ACCUSED: I wish to explain another example.

In Tokyo, a member of the Diet seeing some meat being transported to a POW Camp strongly expressed his opinion with the War Ministry. He expressed his opinion by saying that the Japanese people are suffering greatly from a shortage of food, why should such a large amount of meat be given to the POWs. As such, people did not have any pity at all towards the POWs.

In my case in Hong Kong it was thought as follows: The Chief of Staff of the Japanese Expeditionary Army in China visited Hong Kong before my arrival and he gave instructions that POWs should be used as much as possible in the presence of the Chinese. By doing this he meant to show the Chinese that the once powerful British could be made to

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EXAMINATION IN CHIEF -- Col TOKUNAGA (ACCUSED) Cont.

work by the Japanese like this. By doing such things the Japanese Army tried to show their powerfulness to the Chinese. To gather strength for Japan to carry on the battle such propaganda was used.

The Chief of the Medical Department of the War Ministry came and inspected the POW Camp in July 1942. He visited St TERESA'S hospital. As a result of his inspection of St TERESA'S hospital he said that the patients were properly treated in the hospital and the equipment was excellent. Where in the Japanese Army could such ideal treatment be found? Such treatment is too good for a POW. This officer stated that it was not necessary to treat POWs so well and because of this statement it became necessary to have St TERESA'S hospital closed.

DEFENCE: With this sort of feeling on the outside, what effect did it have on the supervision of the POW Camp?

ACCUSED: With this feeling on the outside -- and because Japan was finding it a very difficult battle -- they treated the POW Camps as a nuisance. If I do not give my explanation by stating examples I do not think I could describe it fully enough.

DEFENCE: If these examples directly concern the POW Camp, then will you describe them.

ACCUSED: At one time fruits were distributed to the POWs. These fruits were brought from FORMOSA and at that time there was a big shortage of shipping; most of the fruits that were brought over from FORMOSA were used by the POW camp and because of this there was not much fruit on the market. Although a ship had arrived from FORMOSA, no fruit was on the market. This seemed strange, so the Intendent Officer of the Governor General's Office investigated the matter. As a result of this investigation it was found out that the POW Camp bought and distributed the fruit to the POWs. Because of this the Governor General's Intendent Officer said that by doing such a thing it was too extravagant for a POW and the Intendent Officer, KATO, was reprimanded very severely for buying the fruit.

Once or twice a month the various heads of units in Hong Kong would be called to the Governor General's Office to have a conference. At these conferences heads of the other units would consider the POW Camp a nuisance and they would make fun of the members of the POW Camp Staff. In ancient times people who actually took part in a battle would be looked upon with honour, but those who did not take part in a battle would be thought of lightly. Because the POW Camp was looked upon as a nuisance, the various units would not willingly oblige in anything that was asked by the POW Camp. For instance, the Supply Depot, the unit that lent the boats; when help was asked for from this and other units, such help would not be willingly forthcoming. As the circumstances of the battle became worse and when the time arrived for mass suicides, this condition became much worse. All the members of the staff, POW Camp, tried their best to become rich between the POWs and the Japanese but because of these circumstances they could not do their work to the best. I myself tried my best. I frequently went to the Governor General's Office and every time I went there I would always say something about the POWs and because of this, the following ironical words were stated to me: You people are always saying 'POWs, POWs -- do you expect to receive a medal from the British, and I was laughed at. As I think about it now I have arrived at a position where I must stand trial instead of receiving a medal. Japan was fighting a very bitter battle, and as such, although she tried her best to treat the POWs, she could not have done what she did; so all she could have done, under the circumstances, and I honestly believe that the best was done under the circumstances. I feel very bitter towards my present adverse position.

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EXAMINATION IN CHIEF -- Col TOKUNAGA (ACCUSED) Cont.

DEFENCE: With this I have generally brought my Examination-in-Chief of Col TOKUNAGA to a close but there may be a few points that I have forgotten and I would like to leave my case open until tomorrow so that if there are any points further that I would like to ask witness I shall be able to do so.

PROSECUTOR: The prosecutor applies for the Court to sit an hour later on 7th January 1947. *Permission is granted etc*

COURT: The Court is adjourned until 1100 hours on the 7th January 1947.

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1000 hours.

THIRTIETH DAY'S proceedings of the trial of Col TOKUNAGA ISAO, Capt SAITO SHUNICHI, Lieut. TANAKA HITOSHI, TSUTADA ITSUO (Interpreter) and Sgt. HARADA JOTARO, Held at HONG KONG on the 7th January 1947.

(Held at Jardine Matheson's East Point Godown).

The Court re-commenced at 1000 hrs. R.C.

EXAMINATION IN CHIEF -- Col TOKUNAGA (ACCUSED) Cont.

COURT: Will you remind Accused that he is still bound by his original declaration.

DEFENCE: I wish to ask three points that I have forgotten.

Q. In Mr. ZIMDEL'S report it is stated that oats intended for the POWs was fed to racecourse horses, is there anything you wish to say about this?

A. I do not remember anything about this matter.

Q. Were the POWs themselves permitted to buy drugs or was this not allowed?

A. This was prohibited.

Q. At the Canteen were drugs sold?

A. No drugs were sold.

Q. Were drugs permitted in locally sent-in parcels?

A. At the beginning drugs were not permitted in such parcels but early in 1943 such drugs were allowed to be sent in.

Q. At the NORTH POINT Camp there were brothers named BERZENSKI, and one of the brothers escaped, do you remember anybody by the name of BERZENSKI?

A. I do not know anything about that but I heard that there was a brother of one of the escapees at the NORTH POINT Camp.

Q. BERZENSKI, in his testimony, has stated that he was interrogated by Col TOKUNAGA in connection with his brother's escape, do you know anything about this?

A. I myself did not interrogate the Canadian escapees. In a testimony it says that the interrogation was carried out the next day. Nothing like that happened.

This ends my Examination-in-Chief.

COURT: Mr. HASEGAWA, have you any questions you wish to ask?

ALL
DEFENCE: Mr. HASEGAWA 10 ~~for~~ questions.

CROSS-EXAMINATION -- Major FULDICOMBE.

Q. Col TOKUNAGA, you told the Court that on one occasion you undertook to explain BUSHIDO to a British Officer who spoke Japanese. I would like you to answer a few questions in regard to BUSHIDO now. First of all, is BUSHIDO a religious philosophy, code of honour or code of morals?

A. BUSHIDO is not a religion, or a philosophy, or only the spirit of the soldier, it is something more and it is very difficult to explain. It is only BUSHIDO. It is something that can be compared with English gentlemanship or chivalry of the knights.

Q. Under that definition will you tell the Court what is the feeling of BUSHIDO towards the truth or telling of the truth, under any circumstances?

A. I do not understand the question.

Q. May be that is a little difficult -- I shall put it this way -- does BUSHIDO consider a man dishonoured if he tells lies?

A. He would be considered dishonoured.

Q. When you made your solemn declaration and undertook to speak the truth, the whole truth and nothing but the truth, was that made with the spirit of BUSHIDO under the feeling that if you did not tell the truth you would be dishonoured, or did you make a minor reservation?

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CROSS EXAMINATION -- Major PUDDIGOE.

- A. That is correct.
- Q. Was there anything in your philosophy or religion that you could have taken when undertaking to speak the truth?
- A. I do not understand the question so I refuse to answer.
- Q. I will put it this way -- what prompted or inspired you in making your answers under a solemn declaration -- was it honour that inspired you to follow your Bushido system or was it something else?
- A. I made an oath here and on the basis of that oath I gave my evidence.
- Q. What I want to know is, what was the basis of your oath, was the oath made based on something?
- A. On the basis of my own spirit.
- Q. Do you mean by that that you are now going on the basis of what your conscience tells you to speak of in this Court?
- A. That is correct.
- Q. Will you tell the Court this -- when you were appointed Commander of the POW Camp in Hong Kong, was that considered as a position of trust by the War Ministry or the POW Information Bureau, Tokyo -- did they think that you could be trusted?
- A. When I received the appointment, I received the appointment with all my heart and I arrived here for my duty.
- Q. That is not what I want to know -- I want to know if the POW Information Bureau thought that they could trust you when they made your appointment?
- A. I do not know what they thought at that time - I think you better ask them yourself.
- Q. Do you think that they contemplated, when you made a report, that you would tell an honest story or that you would try to save somebody's face in writing?
- A. I do not know.
- Q. You told us that you made a report to Tokyo in 1942 explaining the escape of four Canadian POWs from NORTH POINT Camp, do you remember that?
- A. I remember.
- Q. Do you consider that under the Bushido code it is more important to be honourable and tell the truth than to save face by lying?
- A. There are cases when it would be thought best.
- Q. What would be thought best?
- A. I thought that, at that time, it could not be helped but to say that and I think it was best.
- Q. Let us get a straight answer to the question, I want to know whether you consider it more important to save face than to be honest -- that's simple, and please answer the question?
- A. On occasions.
- Q. Please complete the answer -- that is not a complete answer to my question.
- A. On that occasion there was nothing else for me to do; therefore, I did the only possible thing, and it could not have been helped.
- Q. Colonel, I want the answer to the question this time -- I am going to repeat the question -- do you consider it more important to save face than to be honest?
- A. It depends on the degree; at that time I thought it was best - and later when I thought about it, as I told the President, I was very ashamed.

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CROSS EXAMINATION -- Major FUDICHI BE. (Cont).

PROSECUTOR: I see you refuse to answer the question straightforwardly so I will have to ask you another question.

- Q. Do you consider that falsehood is justified in order to save face. Don't bother to tell me about the incidents which you have given before, I want to know this generally speaking?
- A. Yes it is wrong.
- Q. Do I understand by that, when you tell a falsehood in order to save face, it is wrong -- is that your answer?
- A. Your question was whether it would be considered wrong to tell a falsehood in order to save face, but not always is that the case, sometimes to save face is something very great.
- Q. Is it correct then to say that when you answered the questions put to you by your Counsel in this Court there may have been times when you saving face and not telling the truth?
- A. I said that my evidence in the affidavit was wrong but I have never told a falsehood in answer to the questions put to me by my Defence. Your question was whether I told a falsehood in order to save face; in answer to the questions put to me by my Defence; in answer to questions put to me by my Defence, I have never told a falsehood.
- Q. Will you tell the Court how they can be assured of that inasmuch as you did not hesitate in telling a falsehood to your own Government?
- A. Concerning the false report which I sent to the Japanese Government I said in Court, under oath, that it was a falsehood. In answer to the questions about the report, put to me by my Defence Counsel, I said very clearly that the report was false.
- Q. Answer the question I put you this time -- Can the Court be assured that because you took this oath, as you call it, you have been telling the truth since the time you have been in the witness box -- is that what your answers mean?
- A. Certainly so.
- Q. Do you remember telling a story to Capt COLLISON on the 27th of April, on the same basis, i.e. when you made a solemn declaration to tell the truth, the whole truth and nothing but the truth, do you recall that?
- A. I remember giving a statement but I did not take an oath.
- Q. You made a solemn declaration, didn't you?
- A. I did not.
- Q. Will you look at the signature on this document (Exhibit W(3)) and tell the Court whether it is yours or not?
- A. This is my signature.

PROSECUTOR to INTERPRETER: Will you read to him the translation of the very first paragraph in Exhibit W(3).

INTERPRETER reads the first paragraph of the Exhibit.

- Q. Does that solemn declaration which you took there differ from the one which you have taken in this Court?
- A. At that time I heard that it was not necessary for me to make a statement unvoluntarily, but I heard nothing about the solemn declaration.
- Q. I see -- then are you sure you have heard about the solemn declaration which you have given in this Court?
- A. I remember.
- Q. Is it necessary for you to make a solemn declaration before you tell the truth?
- A. That is not right.
- Q. Then the statement that you have made in this Exhibit W(3) which I have just shown you is not true, is it?

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CROSS-EXAMINATION -- Major FURBER (Cont).

- A. The contents of the Statement in Exhibit W(3) are not correct -- I have already stated in the Court, under oath, that the contents are incorrect and I do not see why I have to be interrogated so much about the same document.
- Q. Now regarding the statement which you made to TOKYO, -- your own POW INFORMATION BUREAU -- that was made, according to you, in order to save face of the sentries, is that correct?
- A. To save face both of the sentries and the POW camp itself.
- Q. What do you mean by the POW Camp itself -- do you mean the POW Camp Officers or the POWs themselves?
- A. The Japanese side.
- Q. How was the face of the sentries and POW Camp in danger -- was it because the POWs had actually escaped -- passed the sentries, and had made their way across the street without being discovered, was that where the loss of face was?
- A. Because frequently there were escapes and because it was a let-down on the side of the guards.
- Q. Was it because the escapees -- the men who escaped -- had passed your sentries that they and you lost face?
- A. Frequently POWs escaped -- in my evidence in answer to questions put by my Defence Counsel I have made this clear, and that is the conclusion.
- Q. The conclusion then is, as I gather from your rather ambiguous answer, that because the POWs passed your sentries, that they and you lost face; now will you please answer that just by "yes" or "no"?
- A. Yes.
- Q. And you felt that by stating that the POWs had been shot before they actually got away, that your face and the sentries face would be saved, is that correct?
- A. I think by doing that I had saved face.
- Q. Are you sure there was no other ingredient in this occurrence; no other detail in the occurrence that made it necessary to save the face of the sentries -- I want you to be sure about that. Is it only because they passed the sentries that you had to save face or was there any other reason whatsoever?
- A. I have explained time and again that I had been told about the inefficiency of the guards and still frequently POWs escaped; therefore, at that time the guards did not carry out their duty efficiently.
- Q. Now Colonel -- there are quite a good few questions and you will have to bear with me for quite a while so there is no need for you to get impatient at all -- I want an answer to the question I have asked?
- A. I understand.
- Q. Well, give me the answer to the question.
- A. I thought, at that time, as a soldier -- although strict precautions were being taken, POWs were continually escaping, and because of this to help in taking future precautions; and also because of the many escapes it would be dishonourable for the guards; therefore, I did what I did at that time.
- Q. Colonel, you are deliberately missing the point about the question -- I asked you if there was anything else than the loss of face in the POWs passing the sentries -- now please answer the question?
- A. I lost face because of the inefficiency of the guards.
- Q. And if the guards had stopped the POWs before they got through the wire then you nor they would have lost face, is that right -- now without any speech -- answer my question?
- A. That is true.

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CROSS EXAMINATION -- Major PUDDICOMBE (Cont).

Q. Now, do you remember when you made a report to your POW Information Bureau in regard to BRANSON, BYRNE, CONNOLLY, STOPPORTH and DUNLE?

A. I remember making such a report.

Q. That report was false too, wasn't it?

A. That is correct.

Q. Whose face were you saving that time and for what reason?

A. In the same way as I made a report about the Canadians, I made this report so that it would not hurt anybody.

Q. Do you mean you were trying to save the face of the sentries because those POWs had passed them, is that what you mean?

A. Will you please repeat the question.

The Interpreter repeats the question.

A. That is not correct.

Q. Why were you saving face this time and whose face were you saving?

A. At that time it did not concern anything about saving face.

Q. Well, then, why did you send this false report?

A. At that time I did not wish to trouble anybody so I made that report.

Q. Who were you going to trouble?

A. I think the Chief of Staff.

Q. As I recall it, on one occasion you told me that you wanted to avoid a big investigation, do you remember that?

A. Do you mean to prevent a big investigation?

Q. That is what I said.

A. Do you mean by that

Q. Skip what I mean by that, I want to know, wasn't that your answer?

A. I said something in that meaning.

Q. Was that going to be an investigation by the Chief of Staff or by somebody else?

A. I think that there is a discrepancy in what the Prosecuting Officer is trying to ask from my answers. At that time I said in order to prevent trouble to anybody else.

Q. You didn't say to me, on one occasion, that you wanted to avoid a big investigation -- now, let's get this straight, didn't you say to me once that you wanted to avoid a big investigation?

A. At that time I said something with the meaning that in the future if it became a problem, it would not cause anybody any trouble.

Q. What trouble did you fear that you were going to cause the Chief of Staff when you made this false report to the POW Information Bureau?

A. Do you mean when I made that report -- do you wish to know what trouble I feared this would cause the Chief of Staff?

Q. That is what you told me -- to save the Chief of Staff trouble -- what trouble would the Chief of Staff be caused?

A. By that I meant that if some higher authorities asked about this problem, at that time, it would not cause any trouble to the Chief of Staff.

Q. I think Colonel we are getting a little confused -- a moment ago you said you made this false report not to save the sentries face, not to save your face, but that the Chief of Staff should not be caused any trouble -- just why should the Chief of Staff be caused this trouble?

A. I did not say anything about saving face of the guards at SHAN SHU I PO Camp -- I made that report in case in the future, if a problem arose

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CROSS EXAMINATION -- Major MURDOCH (Cont).

because of illtreatment of the POWs, in that case, in order to prevent any trouble to the Chief of Staff, I made that report.

- Q. Now, Colonel, you are very obscure about this; your sentries and officers were smart; they found the five men tunnelling - they had not escaped - had not got out of the camp; in every way they had done their duty -- now, why was it necessary not to cause the Chief of Staff any trouble -- just why should this cause the Chief of Staff any trouble?
- A. I wish to have the question repeated.

The question is read and the Interpreter repeats the question to Accused.

- A. I did not think it would not cause any inconvenience to the Chief of Staff -- but the execution was carried out in accordance with orders of the Chief of Staff and, therefore, I made this report because it might, at some future time, have caused some inconvenience.
- Q. In other words you suspected that the order which the Chief of Staff had made was illegal and thought that there was no regulation governing this illegal act, concerning the execution of the POWs, laid down in the regulations issued by the War Ministry? is that correct?
- A. At that time I thought it was illegal.
- Q. And yet you took no precautions whatsoever yourself to prevent that illegal act, did you?
- A. I took some steps.

COURT: The Court is adjourned until 1400 hours.

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30th DAY's Proceedings.

7 January, 1947. P.M.

At 1400 hrs. on 7 January, 1947, the Court re-assemble, pursuant to adjournment; present the same Members as at adjournment.

1st WITNESS FOR THE DEFENCE - Col. TOKUTAGA Isao (Accused)

CROSS EXAMINATION (Contd.)

- Q. When we left off you were saying you were going to tell us what steps you took when you realized that the Chief of Staff had given an illegal order.
- A. I expressed my opinion by telling the Chief of Staff that I thought his order was not suitable.
- Q. What is as far as you went?
- A. I expressed my opinion but it was an order and could not be helped.
- Q. Did it ever occur to you to report to the POW Information Bureau or to the War Ministry?
- A. At that time I did not think of passing the message on to those departments.
- Q. Now, do you recall in August 1945 having a conference with Lt.-Col. WHITE and the other senior officers who were POWs?
- A. Please give the date again.
- Q. Maybe it was the 1st September but it was immediately after the Japanese surrender.
- A. I remember.
- Q. Do you remember that they asked you at that conference what had happened to the 4 Canadian POWs who had escaped on 28 August 1942. Do you remember what your answer was?
- A. I do.
- Q. Your answer was that you had made a report to the POW Bureau and would give a copy of the report to Lt.-Col. WHITE in his offices?
- A. I remember.
- Q. (Confronting witness with Exhibit B(2)) That was the report that was filed in the record here as B(2). Will you look at that and tell me if that is the report? That is your chop on it, is it not?
- A. I think this is a copy that was handed over to the POW side.
- Q. The story you gave Col. WHITE was identical to the one you sent to the POW Information Bureau in JAPAN, was it not?
- A. There might be very small discrepancies but the contents were more or less the same.
- Q. This report with minor discrepancies was just as untrue as the one you sent to the Japanese POW Information Bureau, was it not?
- A. At the time when I gave the copy to the POW side I did not have the report that I sent to TOKYO on hand and I made the report up from memory as best as I remembered it and it was almost exactly the same as the one that was given to the TOKYO Information Bureau.

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Col. TOMINAGA.

- Q. Will you answer the question please? Refresh your memory. That second report you gave to Col. WHITE was just as much a lie as the first one, was it not?
- A. That is correct.
- Q. Will you tell the Court why you lied the second time; was it to save the face of the sentries or yourself?
- A. A first report was already made; therefore I tried to make the second report almost the same.
- Q. I want answers to my questions not your ideas on things. What was the purpose of making that false report to Col. WHITE?
- A. To make it tally with the report I handed to the War Ministry.
- Q. Did it ever occur to you that it might have been a good idea at that time to speak of Chief of Staff ARISUE's having issued the order to execute these men?
- A. At that time I did not think it was necessary.
- Q. Were you possibly still in hopes of getting a medal from the British Government then?
- A. I had no such thought in my mind.
- Q. How was it, it took you until 27 April, 1946, to remember that the Chief of Staff ARISUE had anything to do with this execution?
- A. I was always thinking about that. There was no necessity for me to recollect.
- Q. If the Chief of Staff gave you an order to execute those men, why did you think it was illegal?
- A. I thought that by executing, without trial, POWs that were recaptured in an attempt to escape was not suitable.
- Q. Maybe you will tell the Court why it was before you made that second statement of 26 April 1946 that you did not tell the truth. Why did you say that those men were executed out of hand by Lt. WADA and Lt. MATSUMOTO? May I suggest that you were trying to deceive the War Crimes Investigator so that you would not be tried for the murder of those men? Because you blamed WADA and MATSUMOTO you did not at that time say you had ordered WADA to execute them. Is not that the reason you lied and had that statement made?
- A. Although the Chief of Staff gave the order for the execution he has died at the front and therefore is not able to verify my statement. I had no intention myself of killing the POWs but this was done because of an order. Therefore I made such a report.
- Q. I think again you are either misunderstanding me or being deliberately stupid about this. I asked why on the second occasion you said that WADA and the Lt. commander of the guard executed those men without orders. Please answer that question without any reference to the Chief of Staff and anything that is not pertinent.
- A. I am not purposely trying not to answer your questions. The POWs were shot in accordance to the order of the Chief of Staff. I myself had no intention of having the POWs killed. With that feeling I made that report.
- Q. Do you mean by that that you wanted to blame WADA for shooting them and MATSUMOTO for shooting them?
- A. At that time, yes.
- Q. It was pretty safe to do that was it not, because if I remember correctly WADA was dead. Was that so?
- A. That is not right.

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Col. TOKUNAGA.

Q. Please correct me then. If you say that is not right, what is?
A. That is right is what I just said. Although Lt. WADA has died Lt. MATSUMOTO is still living.

Q. And where is he?
A. I do not know.

Q. Do you know anybody here that does know where he is?
A. No.

Q. So I put it to you then your second story was made not to protect the Chief of Staff but to protect the Commander in Chief of POW camps, Col. TOKUNAGA. Is that right?
A. The second time, yes.

Q. Turning from the 4 strange and misleading statements you have made let us get down to the question of when you arrived and when you took over command of this POW camp. When did you first read the charge sheet?
A. I have forgotten the date.

Q. Approximately, was it September, October, November, what month?
A. I think it was October.

Q. You made a statement to Capt. COLLISON on 27 April, 1946, another one on 6 July, 1946, another in August 1946. At no time had you corrected the date that you took over that camp. Was that because you had read the charge sheet and saw that you were accused with charges that took place before 30 January, 1942?

A. When I saw the charge sheet for the first time I knew of the date 24 January, 1942, and at that time I thought it might have been a mistake. In my affidavits I do not know the date 24 January written.

Q. You mean to say you did not know you arrived in HONG KONG on 24 January, 1942?

A. I was asked of my date of arrival in HONG KONG many times and in answer to that question I always said I arrived in HONG KONG on 24 January, 1942.

Q. You also told us in Court to day that you were appointed the Commander in Chief of POW camps in HONG KONG on 15 January, 1942. Do you recall that?

A. I remember saying that I received appointment on about the 15th January.

Q. What did you do between 24 January and 31 January? Made friends with Mrs. Mary WONG, was that it? Maybe you were looking for an apartment opposite 96 ROBINSON Road, or were you looking for another apartment in WATERLOO Road, or finding one on KARDODIE Road for which you did not pay any rent?

DEFENCE: What sort of connexion have these questions with the case?

PROSECUTOR: That will come out in course of time; I am asking the Colonel the questions now.

Q. What were you doing between 24 January and 31 January 1942?

A. The order was that the Formosan establishment of the POW camp in HONG KONG should be finished by noon on 31 January, 1942. I was making preparations for the completion of the POW camp all that time.

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Col. TOMUNAGA.

- Q. Just what do you mean by that? There were a certain number of troops in SHANSHUIPO; there were some at NORTH POINT. As I recall it, there was no movement of troops between SHANSHUIPO and NORTH POINT between 24 and 31 January. In fact there was no movement of troops between NORTH POINT and SHANSHUIPO until 30 September, 1942. There was one on 23 January 1942. Just what do you mean by "arranging" POW camps? They were already in camp.
- A. Before 31 January there was a temporary POW camp and this camp was doing work taking care of the POWs. The staff of the POW camps were being gathered from the various units of the 23rd army.
- Q. I think I misunderstand you when you say there was a temporary camp. Do you mean a temporary camp or temporary camp HQ?
- A. By that I mean the name of the camp. Up to 31st the name was called 'temporary POW camp'. From then onwards it was called the POW camp.
- Q. Are we to understand it took you a week to change the name of the camp?
- A. You do not understand the meaning.
- Q. I agree I do not understand.
- A. Because POWs were captured in the Battle of HONG KONG, these were gathered by the 23 Army and put into a temporary POW camp. As there was much confusion at the time and as stated in various affidavits POWs were moved from various places, and they were being arranged.
- Q. Was it under your authority that they were moved from the various places?
- A. That is not right. At that time I did not have any authority to give orders but the work was passed on to me at noon 31 January 1942 and that was the first time I had any responsibility.
- Q. When you were called to the POW Information Bureau in TOKYO at the beginning of January 1942, what did they tell you your position would be? They told you you were to be Commander in Chief POW camps, or what did they say that job entailed?
- A. They did.
- Q. I am sorry but that is not an answer to my question.
- A. The question was if the position of the HONG KONG POW camp Commandant was explained to me or not and I said it was.
- Q. All right, tell us what they explained to you.
- A. The position of a Camp Commandant is set down in the POW camp regulation and therefore if that regulation is studied you would know. Also I was instructed the ways and means of treating the POWs...
- Q. Just a minute, we will get to that in due course...
- COURT: You must let witness finish answering your questions.
- PROSECUTOR: He is not answering my question, he is making a speech.
- COURT: You should let him say what he has to say; if you do not want it, you can go back.
- A. The main points I explained in answer to questions put by the Defence Counsel before the Court. There were many other points and if you wish me to explain them I will do so.
- Q. Were you the Commander in Chief of the camp?
- A. I do not know the meaning of your question when you ask me if I was the Camp Commandant. Will you ask more clear questions?

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Col. TOPUNAGA.

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Q. Who was the chief officer in camp of the POW camps in HONG KONG?
 A. By that you mean the line of your questions has changed?

Q. I suggest you answer my questions and not ask me questions.
 A. The senior officer of the HONG KONG POW Camp was Capt. PRATA.

Q. What was your position then? Were you under his command?
 A. I do not understand the question I wish to have it repeated. Maybe there is something wrong with the question or the interpretation.
 Do you mean the supervisor of the camp or the senior officer in the POW camp?

X.
 Q. What I want to know is what your position was in relation to POW camps in HONG KONG.

A. I was Chief of all the POW camps in HONG KONG.

Q. And as Chief, just what did you have to do?

A. Under the supervision and control of the Supervisor of the POW Camps, the Governor-General, I handled POWs.

Q. You told the Court in your Examination in Chief that all the camps were under your direct supervision. Are you changing that statement now?

A. There is no change in the evidence.

Q. Let us get down to this without any more beating around the bush. Please tell me what your duties were as Commander in Chief of the POW camps?

A. As I just said, under the control and supervision of the supervising administration, the Governor-General, I handled POWs.

Q. I understand then that you, a full Colonel in the Japanese army, simply acted as a sort of mouthpiece or messenger-boy to the Governor-General. Is that your answer?

A. What do you mean by "messenger"?

Q. (To Interpreter) Will you explain to him please? I do not speak Japanese.

A. I cannot answer such a question.

Q. Was your position as Commander in Chief of the POW camps in HONG KONG a responsible or a very minor position?

DEFENCE: I think that the witness is answering the question in accordance with the regulations. I am having the regulation translated and intend to have it produced in Court. I think Major PUDDICOME is having difficulty in understanding. If the regulation is read I think the Prosecutor would be able to understand it.

PROSECUTOR: I am not interested in the regulation now. I want to know what Col. TOPUNAGA thought was his position here.

COURT: Will you explain to Mr. PUDDICOME, although he is entitled to produce the regulations and prove them at the time to substantiate any point in defence he wishes to do, nevertheless Major PUDDICOME is quite entitled to ask witness any questions so as to find out what the witness considered was his duty and what he ought to do.

COURT: The witness said some time back in answer to a question of the Prosecution that under the direction and supervision of the Supervisor of POWs, who was the Governor-General, he "handled" or "controlled" the POWs. Now, first of all, did the Governor-General or the Chief of Staff take any active part in the organization or the running of the POW camps?

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Col. FUJITA.

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- A. The actual work was done by myself but the Governor-General would supervise or instruct, i.e. if there were any alterations that the Governor-General deemed necessary he would give instructions. The Governor-General's office would form the policy and make regulations concerning the treatment of POWs and, according to these regulations, I would run the camp.

COURT: In point of fact the Governor-General was a high-ranking officer with very many much more important duties to do than merely a question of POW camps. Is that correct?

- A. That was not always the case. To run the POW camp there was a senior officer and though there were many duties for the Governor-General to perform, there was a regulation that concerned POWs and the Governor-General would have responsibility for the POWs.

COURT: But is it not right to say it was your duty to administer and control the POW camps in HONG KONG within the policy and broad direction laid down by the Governor-General. He was not concerned with details?

- A. The fundamental regulation concerning the treatment of POWs was set down by the War Ministry and the Governor-General would supervise and control the POWs in accordance with this fundamental regulation with the help of other regulations, such as the POW treatment regulation. In other words, the POW camp would be a unit under the Governor-General or a subordinate unit under the Governor-General.

PROSECUTOR: I understand from Mr. FUJITA that these regulations are going to be produced in Court. I would suggest they be produced before this Cross-examination ceases if there is going to be constant cross reference to it. Either that or it should be understood that the witness comes back to the box to be cross-examined on these regulations if the Prosecution thinks it is necessary.

DEFENCE: During my Examination in Chief I tried to bring out the status of a Camp Comdt. as clearly as possible and by producing this regulation I wish to show that since the work of a Camp Comdt. is done on the basis of these regulations, I think that the witness is answering the questions properly.

PROSECUTOR: This witness has been subject to direct examination. References were made to this regulation, but under the laws of evidence as applied to this Court you do not need to produce a document; hearsay evidence is permissible. No question was asked of the witness as to what these regulations were and what the proof of them was. Now we are to be confronted with a written document. It seems that in order to cross-examine this witness properly I must have that document. I can go ahead with some questions but I anticipate that each answer would be "this was according to the regulations". I have a certain outline as to what I want to examine the witness on and it is a little hard to pick and choose questions from here and there. I hesitate to suggest an adjournment but I think that is what it boils down to.

DEFENCE: I think it will be possible for me to have the translation of the POW camp regulation ready by tomorrow morning.

COURT: If the Court adjourns now you will be able to get together and decide how much requires translation.

At 1545 hrs. the Court adjourns until 1000 hrs. on Wednesday 8 January, 1947.

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1000 hours.

THE TENTH DAY'S proceedings of the trial of Col TOKUNAGA ISAO, Capt SAITO SHUNRICHI, Lieut HARADA HIROSHI, TSUBADA ISUO (interpreter) and Sgt HARADA JOFARO held at HQA LONG on the 8th January 1947.

(Held at Jardine Matheson's East Point Godowns).

The Court re-assembles at 1000 hrs RCL

COURT: I think perhaps it will be convenient to prove the translation of the documents first if Mr. FUJITA has it ready.

DEFENCE: At this time I wish to produce extracts of translations from the POW Regulations and I will call the translator to have the translations certified.

COURT: Who is the interpreter?

DEFENCE: Mr. SASAKI

COURT: Have Col TOKUNAGA stand ^{down RCL} out for a moment and call Mr. SASAKI.

^{RCL} ~~The~~ Interpreter, ^{RCL} Mr. SASAKI, ^{is duly affirmed. RCL} makes a solemn declaration.

DEFENCE: Please give your full name?

INTERPRETER: YOICHI SASAKI.

DEFENCE: What is your age?

INTERPRETER: I am 29 years old.

DEFENCE: What is your present occupation?

INTERPRETER: I am an interpreter attached to No.5 War Crimes Court.

DEFENCE: What are your qualifications as to an interpreter?

INTERPRETER: I received the Master of Arts degree from the Tokyo Imperial University after finishing courses in English literature and German literature.

Q. Will you look at these documents? (Defence hands documents to Interpreter).

A. The first document concerns the Prisoner of War Camp Regulation and I translated that from page 5 of the Japanese book.

Q. Can you certify whether you have made a correct translation or not?

A. I think that I translated this correctly and to the best of my ability.

Q. Will you read the extracts?

A. Prisoner of War Camp Regulation -- (Imperial Ordinance No.1182 December 23rd 1941).

Interpreter reads Articles I to VIII.

DEFENCE: I wish to produce this document now.

COURT: How many copies of this are there available?

DEFENCE: I have made six copies; I have given one to the Prosecuting Counsel, I have one here myself and am at present able to hand to the Court four copies.

COURT: Mr. SASAKI, do you certify that these Articles in addition to being correctly translated by you are also true and correct extracts from the Regulations?

INTERPRETER: Yes sir.

COURT: Major HEDDERLEY, do you wish to cross-examine the witness.

DEFENCE: I have two more documents I wish to produce.

COURT: The extracts from the Prisoner of War Camp Regulations (Imperial Ordinance No.1182 - December 23rd 1941), Articles I to VIII and Supplementary Rule, is produced to the Court, initialled by the President, marked V(4) and attached to the proceedings.

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TRANSLATIONS OF POW REGULATIONS produced by DEFENCE (Cont.)

COURT: Will you ask Mr. FUJITA if the other documents which he is producing are they extracts from the same book of Japanese Regulations?

DEFENCE: Yes, they are extracts from the same book.

DEFENCE: Next, I wish to produce extracts from the Detailed Prisoners of War Treatment Regulation.

WITNESS RCL
INTERPRETER: The document I hold in my right hand is extracts from the Detailed Prisoners of War Treatment Regulation and I translated these from page 12 of the Japanese book.

DEFENCE: COURT: How did you decide on the extracts which you translated?

WITNESS RCL
INTERPRETER: I translated the extracts that Defence Counsel asked me to translate?

DEFENCE: Will you read the extracts?

WITNESS RCL
INTERPRETER: Extracts from the Detailed Prisoners of War Treatment Regulation (The Ministry of War Transmission No.29 April 21st 1943). Detailed regulation governing the treatment of the Prisoner of War will be amended as follows:
Detailed Prisoner of War Treatment Regulation.

Interpreter reads Articles I, II, V, X, XI, XII, XIII, XIV and XV.

DEFENCE: I now wish to present this document.

COURT: Do you certify that these extracts are not only correctly translated but also that they are true extracts from the Prisoners of War Treatment Regulation (The Ministry of War Transmission No.29. April 21st 1943).

Detailed
WITNESS RCL
INTERPRETER: Yes sir.

COURT: Mr. FUJITA, there seems to be a slight alteration in one of the Articles -- the fourth Article -- where there is a correction -- is this Article I or Article XI -- the extract starts "Prisoners of War shall be allowed to go out of Camp when necessary" - is that Article I or Article XI.

WITNESS RCL
INTERPRETER: Article X, sir.

COURT: Extracts from the Detailed Prisoners of War Treatment Regulation (Ministry of War Transmission No.29. April 21st 1943) are produced by the Witness -- Articles I, II, V, X, XI, XII, XIII, XIV and XV, are initialled by the President, marked W(4) and attached to the proceedings.

DEFENCE: Next, I wish to produce extracts from the Prisoner of War Labour Regulation.

COURT: How did you decide on the extracts to be translated?

WITNESS RCL
INTERPRETER: I translated the extracts the Defence Counsel asked me to translate.

DEFENCE: Will you read the extracts?

WITNESS RCL
INTERPRETER: Extracts from the Prisoner of War Labour Regulation (Ministry of War Ordinance No.22. May 20th 1943) Amendments, additions and deletions. Ministry of War Ordinance No.30. 1943.

The Interpreter reads Articles I, II and III.

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TRANSLATIONS OF POW REGULATIONS produced by DEFENCE (Cont.)

DEFENCE: I now wish to produce these extracts.

COURT: Do you certify that this is a correct translation and that these extracts are true and correct translations from the POW Labour Regulation; Amendments, additions and deletions. Ministry of War Ordinance No.30 1943?

WITNESS RCL
INTERPRETER: To the best of my ability, I do, sir.

COURT: All these extracts that you have read today in Court, are they all taken from that book that you have in your hand?

WITNESS RCL
INTERPRETER: Yes sir.

COURT: The extracts from the Prisoner of War Labour Regulation (Ministry of War Ordinance No.22. May 20th 1943) Amendments, additions and deletions. Ministry of War Ordinance No.30. 1943, Articles I, II and III, are read, handed to the Court, initialled by the President, marked X(4) and attached to the proceedings.

COURT: Major PUDDICOMBE, do you wish to cross-examine the witness?

PROSECUTOR: Yes sir.

PROSECUTOR: In Exhibit W(4) - Article II - and in X(4) - Article III - reference is made to the Garrison Commandant administering a Prisoner of War Camp (henceforth referred to as Chief Administrator of the Prisoner of War Camp), etc etc. Do you know if there is any definition in the regulation of this Garrison Commandant?

WITNESS RCL
INTERPRETER: There is no definition of the Garrison Commandant in the book.

PROSECUTOR: Look at Article IV in Exhibit V(4) -- is there anything to show whether the Camp mentioned there is one unit or does it mean a whole area; what I mean is, say, for instance, in the Hong Kong area will it refer to three or four different POW Camps?

WITNESS RCL
INTERPRETER: In the book it is as I have translated it -- there is no definition of the POW Camp.

PROSECUTOR: Return again for a minute to W(4) Article II -- (henceforth referred to as Chief Administrator of the Prisoner of War Camp -- does the original Japanese book state that the Chief Administrator of the POW Camp is the same as the Garrison Commandant mentioned in Article III on page 5?

WITNESS RCL
INTERPRETER: In V(4) Article III - the General Officer Commanding or the Garrison Commandant, in other words known as the Chief Administrator, is the same as in Article II in Exhibit W(4) where it says General Officer Commanding ~~or Garrison~~ or Garrison Commandant.

PROSECUTOR: Can you state from the original Japanese there whether it would appear that in the event of their being a Garrison Commandant, that he is the Chief Administrator rather than the General Officer Commanding. The General Officer Commanding and the Garrison Commandant as I understand it are two different people, is that right. Either there is one or the other in the area?

WITNESS RCL
INTERPRETER: As I understand the Japanese the General Officer Commanding and the Garrison Commandant are two different persons. It says in the book General Officer Commanding or Garrison Commandant, therefore, to make it more easy to understand the word Chief Administrator was used, but they are two different persons.

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As I have not been in the Army I do not understand Army methods very clearly but in the case of the 1st, as I know it, there was only a General Officer commanding the whole 1st Div., that is, a General Officer, and there was a General Officer commanding the 1st Division. As the fighting was not a very big one, the 1st Division was not very big.

there that the date of the original regulation was the ~~regulation was the~~ 21st of April 1943 or is that the date of the amendment?

This is the date of the promulgation of the amendment.

That is the original or the amendment of the original.

The amendment of the original.

Look at X(4) page 24 -- is that date, May 20th 1943, the date of the original Ordinance or is it the date of the amendment?

This date is the date of the promulgation of the regulation and the date of the amendment is stated as 1943.

Refer again to the Regulations on page 5, Article V, is there anything further to show what the duties of the Camp Commandant are, in that regulation, which is contained in Article V?

There is nothing else except what I have translated.

Mr. FASAGAWA, have you any questions you would like to ask?

No questions.

Do you wish to re-examine, Mr. FUJITA.

No sir.

What is the name of the Japanese book from which you have taken these three regulations?

Collection of various Regulations concerning POWs.

Can you tell the Court by whom was this Collection of Regulations issued, does it appear there?
Published by the POW Information Bureau in November 1943.

Does that appear on the book itself?
It is written on the book.

Sir, would you ask Defence if that book could be made available if it is desired to refer to it further?

Mr. FUJITA, could this book be made available if it is desired to refer to it in the future?

Yes.

Yes.

Mr. SASAKI can stand down -- recall Col TOKURAGA.
Remind the witness that he is still bound by his original affirmation. 20c

Yesterday you were referring us to regulations as to what your position was in the POW Establishment here in Hong Kong. Will you look at Article III on page 5 of the POW Camp Regulation. Will you also look at Article IV. Will you tell the Court if you were the Garrison Commandant who supervised the Camp in accordance with the conditions laid down by the Minister of War in Article III.?

[illegible]

CROSS-EXAMINATION -- Col TOKUMASA -- Major FURDICK (Cont.)

- A. I was not.
- Q. Were you then the Camp Commandant referred to in Article IV?
- A. I was.
- Q. When there were a number of branch camps was the Officer referred to as Camp Commandant in Article IV of the same rank as in the event of a single camp being in operation in the area?
- A. When branch camps are established, these branch camps would come under the command of the Camp Commandant.
- Q. When you referred, for instance, to the Commander of SHAM SHUI PO, you do not mean an officer as described in Article IV, do you?
- A. I do not understand the question.
- Q. May be I can illustrate this a little more clearly -- for instance, Lt. TAMAKA was appointed Camp Commander of ARGYLL STREET Officer's Camp, would he be in the situation of a Camp Commandant as referred to in Article IV?
- A. That is not correct -- in the case of Hong Kong I was the Camp Commandant, and he would not become this Camp Commandant as explained in Article IV.
- Q. Then would he be one of the officials included in the term Camp Staff mentioned in Article IV?
- A. Yes, he would be one of the staff and he would be appointed as Commander of the Camp.
- Q. If you will look at Article V on page 5 you will see that the Camp Commandant administers the affairs of the POW Camp, do you agree?
- A. It is not necessary for me to agree, it is exactly as that.
- Q. Does that article mean that you as Camp Commandant was responsible to the General Officer Commanding the area in Hong Kong?
- A. That is correct. In the Article there is a Japanese word "Reishi" which means, under the direct command.
- Q. To continue from where we left off yesterday, as the Camp Commandant, what was your duty in the matter of administering the affairs in a POW Camp?
- A. In accordance with these regulations and under the supervision and instructions of the General Officer Commanding, I carried out the duty of administering the Camp?
- Q. Did that include estimating the amount of food necessary in accordance with the regulations?
- A. What do you mean by calculating?
- Q. Did you have to determine how much food would be indented for by your Intendant Officer?
- A. That is not right -- the amount of food to be issued to POWs was as laid down in the POW Ration Regulation.
- Q. Tell the Court this, when the rations are asked for from your Depot, how do you go about the requirements of a certain amount. Don't you have to say how many men there are among the POWs and ask for rations according to the regulations for each one of those men?
- A. The scale of ration is set down in the POW Ration Regulation -- such a scale is set down by such a man as stated in the regulation as General Officer Commanding.
- Q. We shall have to get this more simplified; will you outline to the Court what happened when rations were drawn, step by step, starting from the beginning?
- A. The Intendant Officer is responsible for this work. The scale of ration for the POWs is fixed by the POW Ration Regulation. In the case of Hong Kong, the General Officer Commanding, that is, the Governor General, fixed the scale of ration. Therefore, against the total number of POWs, in accordance with this scale, the amount of food was issued. For this amount it was indented, and the Intendant Officer was responsible for receiving the rations.

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CROSS-EXAMINATION -- Col TORUMARA -- Major PUDDICKE (Cont).

- Q. That ~~Indonesian~~ Intendent Officer, is he one of the Camp Staff mentioned in Article IV?
- A. He is one of the Camp Staff.
- Q. He is responsible to you, is he not?
- A. That is correct.
- Q. That is with regard to food -- now, tell the Court what has to be done with regard to clothing, and we understand there is a regulation laid down saying how much clothing is to be provided, so we won't go into that, I want to know how the clothing was drawn?
- A. This was also indented on the Supply Depot of the Governor General's Office, and was received from the Supply Depot.
- Q. Is that again done by the Intendent Officer who is, as you have stated, responsible to you?
- A. That is correct.
- Q. Was Capt SAITO, or Lt SAITO as he was then, a member of the Camp Staff as mentioned in Article IV?
- A. That is correct.
- Q. He was then responsible to you, was he not?
- A. That is correct.
- Q. Will you look at Article XXI of the Regulation found on page 12, I suppose the necessary sanitary equipment, clothing, bedding, and miscellaneous commodities, as mentioned there, were laid down as to the number in the regulation, am I correct?
- A. No the amount was not decided.
- Q. Then, who decided what the necessary sanitary equipment should be, Dr. SAITO, in case of the camps here in Hong Kong, or who did?
- A. This was decided by myself after receiving the opinion of Dr. SAITO.
- Q. And would it be Dr. SAITO'S responsibility to see that the decision you made had been properly carried out?
- A. To see whether this was actually carried out was my responsibility.
- Q. Do I understand then that Dr. SAITO had no responsibility whatsoever in respect of the hospital equipment?
- A. I did not say that he had no responsibility at all, but he would give his opinion to me, and I would decide on that and see that it was carried out. Such an opinion would be necessary to have technical knowledge; therefore, in some part he would have responsibility.
- Q. So, therefore, I take it, Colonel, that the final responsibility to your General Officer Commanding with respect to medical affairs rested with you. I understand, of course, that you had to get the advice of your medical officer, we won't have to go into that again?
- A. That is correct.
- Q. You have told us that another member of the Camp Staff, you can correct me if I am wrong here, was an officer corresponding to an Adjutant, or an officer in control of General Affairs, will you tell the Court briefly what his position was, - first, was he attached to each of the branch camps or was he at Hqs. which had over-riding supervision over all the camps?
- A. The Chief of General Affairs was only in Hqs. and he was not in the other camps.
- Q. I want to know just what that Adjutant did?
- A. He controlled affairs inside of the POW Camp?
- Q. PROSECUTOR: When you say inside the POW Camp, what does that mean, one individual camp or all the camps in the area?
- A. ~~"ACQUSED"~~ I said he was the Sectional Controller; i.e. he controlled the affairs at POW Hqs.

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CROSS-EXAMINATION -- Col TOKUMAGA -- Major PUDDICOMBE (Cont.)

Q. Just what did that include -- did that include making out the duty rosters, such as Camp Commanders would go on duty at a certain hour; come off duty at a certain hour; be relieved by so and so?

A. This Officer made plans for orders. The actual orders was done by the Camp Commandant -- this person would make plans and the actual giving of orders would be done by the Camp Commandant.

Q. He was, in other words, your staff officer, is that correct?

A. Yes, something like that.

Q. When you say in your evidence, that POW Camps were under your direct supervision, you mean that you had overall control, do you? And I understand that you were under the supervision of the Governor General so you don't need to go into that?

A. Yes.

Q. You have spoken to us with regard to various regulations that were laid down for POWs and you have told us that the Governor General made regulations, if you will look at Article III on page V you will see that the General Officer Commanding supervises in accordance with the decision laid down by the Minister of War. -- who was the War Minister?

A. In this regulation it is said that the POW Camp is administered by the General Officer Commanding or by the Garrison Commander in accordance with stipulations laid down by the War Minister and the War Minister is the Controller of the Camp.

Q. Then is it correct to say that the General Officer Commanding or the Garrison Commandant could make regulations themselves only when they conformed to the regulations laid down by the Minister of War?

A. The question you put to me just now is a very difficult one to answer and actually I do not know. The War Minister would stipulate various regulations concerning the POW Camp and in accordance with these regulations, the General Officer Commanding or the Garrison Commandant would make other regulations. This, what I have just said now, I think, is stipulated in the POW Detailed Treatment Regulation.

Q. Will you indicate to the Court, as it is not indicated in Exhibit W(4), what sections in the regulation would outline the powers of the General Officer Commanding or the Garrison Commander to make regulations.

A. Page 10, Articles 21 and 27.

ACCUSED: I wish to read this myself.
Col TOKUMAGA reads the Japanese of Article XXI.

COURT: I think it is better to adjourn for five minutes and let Mr. TOSHIO translate the two Articles to which Col TOKUMAGA has referred.

The Court is adjourned for five minutes recess. 11:30 to 11:35
The Court reassembles at 11:35 to 11:40

COURT: Mr. TOSHIO, will you read the translation of the two articles.

INTERPRETER: Sir, do you wish me to give the name, heading and number.

COURT: Yes.

INTERPRETER: The name of the Regulation is POW Treatment Regulation Army Transmission No. 22 dated 14th February 1904.

Article XXI of the same regulation.

"The General Officer Commanding or the Garrison Commandant administering a POW Camp, hereafter referred to as Chief Administrator of the POW Camp shall stipulate the POW Camp Service Regulation and shall report same to the War Minister and to the Chief of the POW Information Bureau."

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CROSS-EXAMINATION -- Col TOKUNAGA -- Major PUDDICOMBE (Cont.)

Article XXVII of the same regulation.

COURT: Ask Col TOKUNAGA if he wishes to read the Article in Japanese first?

WITNESS: Yes.

ACCUSED: No.

INTERPRETER reads the Japanese first.

Article XXVII.

" Regulations referring to the administration of the POW Camp shall be stipulated by the Chief Administrator of the POW Camp, and the same shall be reported to the War Minister and to the Chief of the POW Information Bureau. "

COURT: Mr. TOSHIO, remembering your oath as an interpreter, do you certify that those are correct interpretations of the two Articles?

INTERPRETER: I certify that the two Articles that I have translated are translated to the best of my ability.

ACCUSED: WITNESS: There are some more Articles. Do you wish me to point out those Articles?

COURT: These are the two Articles which Col TOKUNAGA referred to in dealing with your question Major PUDDICOMBE, that is, whether the local General Officer Commanding had power to make regulations.

ACCUSED: WITNESS: These two articles I remember clearly stipulating the authority; there are other Articles stipulating rations and other things -- if you wish to have those articles pointed out I can do so.

PROSECUTOR: In due time we may require that -- at present I just want to know whether the G.O.C. had power to stipulate regulations locally.

COURT: Will you tell ^{Witness} Accused at the present moment the Articles which he pointed out ^{has} dealt with the question asked by the Prosecuting Officer; if he wishes to refer to other extracts from regulations referring to other matters, he may certainly have the opportunity of doing so later.

Q. What was the position of the Interpreters in the Camp -- were they under the command of the Camp Commandant?
A. They were employees of the POW Camp and they were under my command.

Q. Were they under the Camp Commander in the branch camps?
A. Interpreters would be attached to Hqs. and to the branch camps, but they would all be under my command.

Q. I understand that the Camp Commanders were also under your command; now were the interpreters junior to them when they were working in the Branch Camps, and subject to their orders?
A. That is right -- they would do their duties in accordance with orders given to them by the Camp Commander.

Q. If, for instance, an interpreter is beating a prisoner in the presence of a Camp Commander, is it to be taken that the Camp Commander has ordered him to beat the prisoner?
A. I think that it could be thought as such.

Q. In your statement of the 2nd of January (page 417 of the proceedings) you said in reference to the Camp Commander, also concerning the POWs, such an officer had the right to control and observe the POWs

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CROSS-EXAMINATION -- Col FORUMANI -- Major FORDIC DE (Cont.)

and when necessary he would report to the Camp Commandant, what do you mean by saying that this Camp Commander had the right to control the POWs, what does the word 'control' convey?

A. By control I mean that the officer should see that the POWs would make no mistakes; that they would act in accordance with the regulations; that is what I mean by control.

Q. And if a POW was breaking a regulation, can you tell the Court how the Camp Commander would go about controlling him?

A. When a POW made a major violation this would be reported to me and if necessary punishment would be dealt out. Then, when necessary, the POW would be punished by me. This is the way it was done.

Q. Do I understand from that then that when a POW in any one of the camps here in Long Kong was punished this was under a direction or order from you?

A. If a POW was detained in the guard house, such punishment was done on orders from myself.

Q. Any other punishments, or if you like, ill-treatment then, on whose orders would that be done -- who was responsible for that?

A. Illtreatment was not permitted and if such a thing happened I cannot say who was responsible for illtreatment. Such a thing as illtreatment was not allowed.

Q. Didn't you tell us that the Camp Commander was in charge of the personnel in the Camp Staff in an individual camp?

A. I didn't say such a thing.

Q. One moment ago didn't you tell us that the interpreters were under the orders of the Camp Commander?

A. Yes, I did. I said that they received orders and in accordance with these orders they did their duty.

Q. Will you refer to Article VII on page 5, Exhibit V(4), and having consulted it, tell the Court when the members of the Camp Staff could disobey or disregard the orders of the Camp Commandant?

A. I never said that they could disobey orders -- I said that they received orders and in accordance with these orders they did their duty. That is all. I said that they received orders and did their duty -- I didn't say they disobeyed orders.

Q. If a member of the Staff is concerned with the beating of a POW, which is in accordance with orders, this must be under the order of the Camp Commander, must it not?

A. Facts will verify that.

Q. If the facts verify that is it not true as Camp Commandant you are responsible for the actions of the Camp Commander and, therefore, in the ultimate analysis, responsible for the beating?

A. You mean the last responsibility?

Q. Yes.

A. That is right.

Q. Look at your Intendence Department again -- you told us this morning about this and outlined the duties -- I want to know regarding rations -- there were staple rations such as rice which I understand was issued from a Depot, am I correct?

A. That is correct.

Q. And there were certain rations which were purchased locally, such as vegetables, is that correct?

A. That is correct.

Q. And I suppose that the scale of the rations to be purchased locally was laid down by the regulations, am I correct?

A. That is correct.

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CROSS EXAMINATION -- Col TORIMURA -- Major FODDING BE (Cont).

- Q. So that if the locally purchased rations were purchased not in accordance with the regulations, then you, as the Officer supervising the Intendance Officer, would be responsible, would you not?
- A. Of course -- finally the responsibility would be with me.
- Q. What other commodities, besides vegetables, were locally purchased. I suggest fish and meat would be locally purchased, do you agree.
- A. As I remember it for a short time fish was locally purchased.
- Q. Will you tell the Court when fish was not locally purchased?
- A. As I remember it, from the beginning of 1944.
- Q. From the beginning of 1944 fish was not locally purchased -- until what date?
- A. From the beginning of 1944 until the surrender.
- Q. From where was the fish purchased during that period or was there no fish purchased or obtained?
- A. I said that fish was bought locally until the beginning of 1944 -- from then on it was supplied by the Supply Depot.
- Q. Now, you have also told us that medicine was purchased under local purchase -- the period ending sometime in 1943 -- will you tell the Court now who made those purchases?
- A. This was done by the Medical Officer, Capt SAITO.
- Q. Was it his sole responsibility to see that medicine was purchased?
- A. Overall responsibility was with me, under me Dr. SAITO worked.
- Q. You have rightly or wrongly given the impression in your evidence that the Japanese Medical Orderlies treated only Japanese officers and men, and that his responsibility ended there, insofar as POWs were concerned, the responsibility for their treatment was with their own medical officers, who were also POWs, do you agree that that is the impression you tried to convey?
- A. That is correct.
- Q. Will you look at Article XXIII, Exhibit W(4) on page 12, does that not mean that the employment of POW medical staff is permitted -- is it not to be inferred that the Japanese medical officer is the one who is primarily responsible for the treatment of the patients?
- A. It says here if it is necessary it could be permissible. Therefore, in other words, if it is deemed necessary such would be permitted.
- Q. Following from that is it not to be inferred that the Japanese Medical Officer was the primary man responsible for the treatment of the POWs?
- A. It says here in accordance with necessity -- if the circumstances of a POW Camp necessitated to have this permitted it would be done. I do not think that it means that the Japanese Medical Officer is the final responsibility.

The court is adjourned until 1400 hours.

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31st DAY's Proceedings.

8 January, 1947, P.M.

At 1400 hrs. on 8 January, 1947, the Court re-assemble pursuant to adjournment: present the same Members as at adjournment.

1ST WITNESS FOR THE DEFENCE - Col. KOFUJAGA Iano (Accused)

Cross Examination (Contd.)

- Q. Will you tell the Court what your position was in respect to the sentries and other camp guards?
- A. Do you mean my relation with the sentries and guards?
- Q. Yes.
- A. Guards were divided into 2 parts. Until October 1942 a guards detachment was despatched from a Japanese unit and after that date Formosan guards were used. About the first case, i.e. the guard detachment, this was despatched to guard the POWs. Concerning matters of guarding, this detachment would come under my command. About the latter case everything concerning the Formosan guards would come under my command.
- Q. Respecting the first case, you'd say they came under your command, i.e. I presume once they were posted as sentries or guards to the camp then you, through your officers, were in charge. Am I right?
- A. I only became commander of those guards when guarding of the POWs was concerned.
- Q. Is it right then to say that you were responsible for the guards once they went on duty as sentries, or generally as guards of the camp?
- A. If there is something that concerns guarding of POWs it would be my responsibility.
- Q. In that event is it correct to say that in endeavouring to prevent escape, the sentries are then acting under your orders and with your responsibility?
- A. That is correct.
- Q. You have told us that among other things you erected an electric wire fence around SHANSHUIPO, NORTH POIN and, I think, ARGYLE Street too. What other precautions did you take to prevent escapes, in regards to your orders to sentries?
- A. Do you mean orders or steps?
- Q. I mean what did you tell the sentries to do in order to prevent escapes?
- A. Do you want me to say what I told the guards or what steps I took? If POWs were frequently permitted to escape, it would be detrimental to the principle of guarding and I would frequently give orders to prevent such escapes. To prevent any let-down in guarding, guard inspections were carried out from time to time. This was done sometimes by the commander in charge of the camp, by the Camp Commandant, by NCOs attached to the various camps or by employees of other camps. In this way, by carrying out guard inspection it would have prevented any let-down in the guarding.
- Q. I then understand you carried out frequent inspections. Tell me what the sentries' orders were in regard to men who escaped.
- A. Regulations were stipulated concerning points where the

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COL. MURAKI.

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A(Std.) guards should stand, also concerning duties of a guard, also concerning duties of the guard commander.

- Q. Let us get to the point of this this time. In the Japanese army can an inspecting officer go to a sentry and say, "Sentry, repeat your orders"?
- A. Only in special cases there are daily orders but the regulation of the sentry at the main gate or the regulation concerning the sentry at the rear gate, or the regulation concerning moving sentries is always fixed.
- Q. Now, will you tell me please what the regulation was concerning the sentries. What did he have to do to prevent escapees?
- A. The regulation was as follows:- The sentry should always try to prevent escapees. If a sentry discovers a POW in an attempt to escape, he should try to stop him. If a POW in that case refuses to be stopped, the sentry should do his best to stop him. Where it is not possible he would be allowed to shoot.
- Q. What did the sentry do in regard to people approaching the outside of the perimeter wire, for instance friends or relatives who had come to see the POWs?
- A. In the regulation it is stipulated that sentries should prevent anybody approaching too near.
- Q. And what means are they allowed to prevent these people approaching too near?
- A. It would be different during the day and night. During daytime the sentry could see and if somebody came too close he could call out and stop the person from coming too near. It is laid down in the regulations that during the night if he heard somebody coming near the sentry should call out and find out definitely who this person was and try to stop him.
- Q. How does he try to stop him?
- A. In all the countries as I know it the sentry regulation is the same. The sentry would call out "Stop" or "Halt".
- Q. Who made these regulations that you speak of? Are they included in this book you have not here?
- A. They are included.
- Q. Will you show me the regulation in the book there that says that a sentry can stop the outside person from coming close to the wire and also if the person insists on coming close what he does?
- A. In this book there is an article saying that guard regulations can be set down. Therefore, in the case of HAIN KONO the Governor-General in accordance with the article in this book would set down such regulations.
- Q. All right, show the article.
- A. The article I explained before, article 27 of POW camp regulations.

PROSECUTOR: May I ask the interpreter if he can find the portion of the article that is referred to?

Interpreter: POW camp regulation Article 27. The Chief Administrator of a POW camp shall set down regulations concerning the administration of the POW camp. The same shall be reported to the War Minister and to the Chief of the POW Information Bureau.

. That is all. That is article 27.

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Continued.

COURT: That is the one that was translated earlier this morning.
 PROSECUTOR: I see no reference to sentries in that.

- A. These regulations were made generally to deal in the administration of the POW camps. Minor points, such as detailed actions of sentries and such like are not given in this regulation, but according to the regulation set down in this book such regulations were made.
- Q. These regulations that were made by the Chief of Staff or the Governor-General as I understand your answer it was that a sentry was not to allow a civilian to come close to the wire. Is that right so far?
- A. That is correct. Such is a regulation saying that civilians should not be allowed to come near the camp boundary.
- Q. From what you told us before you undertook yourself to train the guards in their duties. Am I right in concluding that you yourself, or your officers, showed these guards how to prevent these people from coming close to the wire?
- A. Guards were instructed verbally and in writing. Their instruction afterwards a regulation saying that civilians should be permitted to come in 20 or 30 metres near the fence - they were instructed to follow that regulation, i.e. to prevent such a civilian coming close to the fence.
- Q. Who instructed them, that is what I am asking you.
- A. My subordinate officers instructed the guards: sometimes NCOs instructed them. Everybody concerned with training the guards instructed them.
- Q. What were the instructions your subordinate officers gave to them if a sentry found a civilian coming closer than the stipulated distance from the wire, i.e. 20 or 30 metres?
- A. If civilians approached to the point outside they would be prevented.
- Q. How?
- A. By telling them to "halt" or "go back".
- Q. Is that all?
- A. That is all.
- Q. If the sentry went further than that, contrary to your instructions, what steps did you take against him?
- A. When you say that if the guards acted in violation of my order, what sort of order do you mean?
- Q. Your order to prevent civilians coming close to the wire and to say "Stop", "go back".
- A. I do not know anything besides this.
- Q. Do you mean by that that you did nothing to the guards if they went further than your instructions in preventing people from coming near the wire?
- A. I do not know any cases where guards did nothing besides this: therefore nothing was done.
- Q. In regard to coming close to the perimeter by civilians, do you recall that the POW camp had along its southern border a main thoroughfare on which there were tram lines?
- A. I do.
- Q. That main thoroughfare is approximately 17 metres wide from sidewalk to sidewalk. Do you agree?
- A. It was about that.

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Col. TONTAGA.

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- Q. The tram car running down the centre of the street would be not more than 10 metres from the guard gate. Was that according to your understanding?
- A. I remember that.
- Q. Do you suggest that pedestrians going along that main thoroughfare must pass on the far side of the street and that tramcar passengers in order to stay within the limits must get out of the car and walk along the far side of the road?
- A. There was nothing like that.
- Q. If you were told that your guards used to mistreat civilians who were in tram cars or who walked along the sidewalk, will you agree that you should have done something about the guards or that they had been improperly instructed, or that they had been instructed to mistreat those civilians?
- A. I think it is funny to have people, just because they passed or because they were riding in the street car, to be ill-treated.
- Q. Will you answer the question now please?
- A. I do not understand your question, that is why I am asking you the meaning. Divide the question up shortly.
- Q. Do you recall Major BAILIE, now Lt.-Col. BAILIE who gave evidence here?
- A. There were many witnesses that gave evidence before the Court; there was a testimony like that but I do not know who gave it.
- Q. Do you recall that Col. BAILIE or one of the witnesses told of a sentry stopping a tramcar, climbing to the top deck and assaulting a Chinese civilian?
- A. I remember.
- Q. Will you tell the Court under what instruction the sentry stopped that tramcar, climbed to the top and assaulted the Chinese?
- A. That is something I do not understand. There could not have been such an order to stop street cars and ill-treat civilians in them. I do not think there was such a case.
- Q. Do you recall the same witness telling of a very old man passing the guard and being thrown twice by judo throws, the last time on his head and unable to rise?
- A. I remember.
- Q. Under what instructions was that sentry acting?
- A. My answer is the same as before. There never could have been such an order; I do not know of such a fact.
- Q. Presuming for a minute that those two stories are true, will you tell the Court under what instructions the sentry acted, or will you say that the sentry acted without instructions?
- A. If you studied the question you can understand yourself there never was such an order; I never heard of such a silly ~~story~~ story.
- Q. Before this Court appeared a man who told us that his wife, a Chinese lady, had been assaulted by one of your sentries so badly that she had to stay in bed for 2 weeks. Do you recall that story?
- A. Yes.

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Col. TULLAH.

Q. Is your answer the same again?

A. The same.

Q. Another witness or one of the ~~two~~ witnesses told of a small boy throwing a ball back to the Canadian soldiers inside of the wire being mistreated. Is your answer again that it could not have happened?

A. That is correct; as I have been saying so many times I never heard of such a thing.

Q. You will have the chance to say it once more. There was also an allegation in this Court that at least on one occasion a woman and a child were tied to the post outside the guard gate by the sentries; do you also refuse to believe that that is so?

A. My answer is the same; as I have said many times, I did not hear of any cases of Chinese civilians being ill-treated and in answer to questions put to me by my counsel I said clearly that I did not know of any such cases.

Q. Col. BAILIE said in his evidence that the occurrences were so numerous that it was necessary to warn the PC's under his command to stay away from the fence because the sentries became excited at the presence of an audience. Do you say that Col. BAILIE was deliberately telling a falsehood when he was making that statement?

A. I do not know.

Q. Come now, you are trying not to answer. You either have to admit he was telling the truth or that he was lying. You cannot say you do not know to such a question, unless you are refusing to answer?

A. Why do you say that?

Q. Will you answer the question? I am not the witness.

A. I say I do not know because I do not know.

Q. Do I gather from that that it might be that Col. BAILIE was telling the truth and that these things did happen?

A. You cannot do so; I say I do not know because I do not know.

Q. Can I draw this conclusion then that if you had been coming into camp regularly and making inspections you would have known what was going on in that nature, ill-treatment of civilians?

A. What I do not understand I will say until the end that I do not understand. I never heard of such facts therefore I say I do not know of such facts.

Q. Do you say because the sentries were ordered to take certain measures that therefore those are the only measures they could have taken?

A. Do you mean measures not permitting civilians coming near the fence? There was a regulation saying that civilians could be permitted to come near and besides this regulation there were no orders stating that civilians could be ill-treated.

Q. Therefore because there were no orders that they could be ill-treated, is that the conclusion we are to draw?

A. The ill-treatment business is very funny; I never heard of any facts of ill-treatment. There was never any order allowing guards to ill-treat Chinese and therefore it could not be thought that such ill-treatment happened.

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Col. TCM NAMA.

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- Q. Corollary to that, do you agree that if they did mistreat Chinese civilians there were orders to mistreat?
- A. There was never such an order permitting guards to ill-treat Chinese civilians, therefore how can you draw such a conclusion?
- Q. You have told us that the camp command had no power to punish guards. Do you mean by that that he could not award the punishment himself?
- A. That is right; such punishment would be dealt out in accordance with stipulations in the army.
- Q. Who would award the punishment?
- A. In the first case, i.e. in the case of the Japanese guard detachment, the commander of the unit would punish the guards. In the second case, of Formosan guards, as they were my subordinates I myself would award the punishment.
- Q. In the case of the first unit, who fixed the posts that the sentries would occupy? Was it yourself, your camp commander or the officer in charge of the unit?
- A. In accordance with the Governor-General's administrative regulation I myself decided on that matter.
- Q. Am I right then that in so far as taking up of posts were concerned, those guards were under your command, i.e. the first guards not the Formosans?
- A. As I said just now I decided on the position in accordance with the guarding regulation laid down by the Governor General.
- Q. I do not regard that as an answer to my question, Sir.

COURT: Will you repeat the question?
(Stenographer reads former question)

- A. Concerning matters of guarding the guards would come under my command.

The Court goes into temporary recess at 1520 h REC
The Court re-assembles at 1521 h REC

- Q. You told the Court the other day that when you were called to TOKYO and were interviewing the POW Information Bureau you were told in regard to the treatment of POWs there were 2 important points. The first was to treat POWs in accordance with International law, that is to treat them philanthropically, and that they should not be ill-treated. You were told about the Geneva Convention, in regard to POWs, that JAPAN had signed the Convention but had not ratified it. You have not stated this but I suggest you were also told at that time the Japanese Government had informed the Governments of the U.S.A. and Great Britain although they had not ratified the Convention that they would abide by it. Do you agree?
- A. I heard about this at a much later date. I wish to make an addition. Something was left in the question so I would like to include it in my answer. I was told at the time by the Chief of the POW Information Bureau: JAPAN had signed the Convention but not ratified it. So as JAPAN was to carry out the work to the POWs according to the circumstances of JAPAN's particular position and this is under strict examination. So you would be instructed at a later date.

COURT: This is what the witness said in reply to his own Counsel; it is in the record, in Examination in Chief.

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Col. F. T. A.

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- Q. You told us a moment ago that you learnt some time later that FAWC had informed the Allied powers that she would abide by the Geneva Convention. When did you learn that?
- A. Some time in 1943 because some documents concerning this matter were forwarded to me by the War Information Bureau.
- Q. Do you think in view of what you said that it must be necessary to treat the POWs according to certain circumstances in JAWI that the POW Information Bureau meant you to understand you were to act in keeping with International Law, or did they mean something else entirely?
- A. I thought at that time it should be carried out in accordance with International Law.
- Q. You have told the Court too that at that time there was the second point raised which was that POWs might attempt to escape and it was your responsibility to prevent them from escaping. Therefore every possible means should be taken to prevent POWs from escaping. Did they give you any instructions as to what means should be taken?
- A. At that time I was not told completely, but I was told every possible means should be taken.
- Q. Then do you want the Court to understand that the means taken were at your discretion?
- A. By that I mean every possible means should be taken by myself.
- Q. Now, you told us that on 31 January 1942 you called your Japanese staff together at 12 noon to give them an outline of your policy in regard to the POWs. Do you recall that?
- A. I said in the afternoon, I remember.
- Q. Did the policy you laid down at that time persist throughout the 3 1/2 years of the occupation or did you at a later date change your policy?
- A. The policy was not changed.
- Q. As a new recruit was added to your staff, was he informed of this policy?
- A. He was informed of this policy.
- Q. Among those present, were the civilian Japanese interpreters attached to you as your HQ interpreters or as camp interpreters?
- A. The present interpreters were not there at the beginning; the civilian interpreters arrived later on. There were some interpreters at that time but they were all transferred and the present interpreters came after that meeting.
- Q. Were those interpreters who came later informed of your policy as laid down at that meeting?
- A. Of course they were informed.
- Q. For the record, does that include the interpreters IMORI, INNOUE, ~~EHU~~ and the Accused TSUTADA?
- A. Yes.
- Q. At that meeting you told us you outlined the distinction between treatment of POWs or rather feelings towards POWs as held by the Japanese and by the Allies.
- A. I remember.
- Q. You said that the Japanese considered POWs to be shameful people but that the Allied nations thought of them as people to be given great regard. Is that correct?
- A. I agree.

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Col. T. W. M.

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- Q. Because you omitted to tell us in your statement, did you instruct your staff to follow the example of the Japanese or the example of the Allied nations?
- A. I instructed them that POWs should be treated with kindness and fair manner according to International Law.
- Q. In other words you instructed them to treat POWs as you considered the Allied nations would treat POWs. Am I right?
- A. I cannot understand your question clearly.
- Q. Did you instruct them to look at POWs with Japanese eyes, i.e. hold them as shameful people, or as Allied forces, i.e. as honourable people?
- A. Although we are Japanese, I instructed them at that time to treat the POWs with the Japanese philanthropic way, according to the Japanese spirit.
- Q. That is a little ambiguous. According to your statement, the Japanese spirit was to treat POWs as shameful people; there is nothing in your statement that says they were treated with consideration by Japanese. In fact it is the contrary, so will you please clarify your answer? Did you tell your camp staff to treat them with consideration or did you tell them to treat them with shame?
- A. As I said before, I said at the time POWs should be treated with philanthropy and fair manner; that means they should be treated with kindness.
- Q. And you gave an instance for the reason, of a soldier who gave a drink to a Japanese soldier. Do you remember that?
- A. Yes.
- Q. And you told them to bear this instance in mind. When you told them that, did you yourself mean to bear the example in mind?
- A. Yes.
- Q. How long did you bear that example in mind?
- A. Throughout my post as Camp Comdt.
- Q. When in June 1942 you interrogated a Capt. "ISMAIL" who had only one leg and shot him against the wall as you say, did you have the story in mind then? Capt. "ISMAIL" was brought to your HQ in FUKUOKA St. was made to strip, when found he had a wooden leg was made to take it off. A letter fell out that leg and you came up and struck him. Were you thinking of the British soldier who gave the Japanese soldier a drink when you did that?
- A. I had that story in mind, but I instructed them to treat POWs with kindness and always had this spirit of kindness in mind. The spirit of kindness does not mean to do nothing against an illegal act.
- Q. I gather from your remark that you just made that you instructed those people to use the kind of treatment you gave Capt. "ISMAIL" if they thought the occasion arose?
- A. I wish to make an explanation on this point. Concerning the incident of Mr. "ISMAIL" at the time he came to me as a British officer and he denied the matter but actually did such a wrong thing. I asked him if he had something hidden but he said, "nothing hidden". After a strict inspection a letter was found in such a place as the wound of an artificial leg. So in this case if it could be wished, punishment could be granted. I thought that as a British officer he would be shameful before the British soldiers if he would be punished for such a thing. So I told him: "It is a wrong thing" and I gave him a drink. I did not beat him. But since he had only one leg he stumbled against the wall. So I thought I should have done such a thing and stopped it.

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The Court in - assembled at 200

1000 hours.

THIRTYSECOND DAY'S proceedings of the trial of Col TOKURAGA ISAO, Capt SAITO SHUNKICHI, Lieut TANAKA HITOSHI, TSUTADA ITSUO (Interpreter) and Sgt. HARADA JOTARO, held at HONG LONG on the 9th January 1947.

(Held at Jardine Matheson's East Point Godown).

CROSS-EXAMINATION -- Col TOKURAGA (ACCUSED) -- Major PUDDICLOBE (Cont.)

COURT: Will you remind witness that he is still bound by his former declaration.

PROSECUTOR: Will you look at this document and tell the Court if you can say what the meaning of the characters on the left-hand bottom corner are, and what the document is?

Accused does not identify characters.

PROSECUTOR: Let me suggest to you that the characters in the left hand bottom corner mean 'translated by HASEGAWA'.

WITNESS RCL

ACCUSED: The seal of HASEGAWA is in the corner.

PROSECUTOR: Was HASEGAWA one of your interpreters at FORBES STREET HQS.?

WITNESS RCL

ACCUSED: There was an interpreter, HASEGAWA, attached to Hqs. but I do not know if that particular seal is interpreter HASEGAWA'S seal or not.

Q. Did you tell this interpreter to translate the administrative regulations for the POW Camp, Hong Long?

A. I do not remember asking him.

Q. Did you issue such regulations yourself in the governing of POWs?

A. The POW Information Bureau set down a general policy, and also fundamental regulations, and according to these fundamental regulations and those of the Governor General, I made such regulations.

Q. In the future you can skip the part about the regulations which the Governor General made; just tell us the answer with regard to the regulations which you made.

PROSECUTOR: I am going to read Article V, paragraph 2, of these regulations and then hand it to the interpreter and ask him to translate paragraph 2. I will then submit the document to you, sir, as evidence for what it is worth.

COURT:

Where has this document of regulations come from?

PROSECUTOR:

That is what I want him to tell the Court, sir. He issued them but he has not acknowledged the document yet. I will submit the book for your consideration when we are through.

WITNESS RCL

ACCUSED:

Just a minute, I do not understand what you have there; there is a seal alleging that it was HASEGAWA'S -- I do not understand anything about the affair at all.

PROSECUTOR:

In the orders that you have just told us you made, did you set out the following:

Article V. "The POWs shall observe the regulations of the Camp. Any act of insubordination shall be punished in accordance with the Imperial Japanese Army criminal and disciplinary law. POWs shall not expose oneself to the danger of life by attempting an escape, stupid resistance or to dare to behave in a disorderly manner, because any guard might use arms inevitably".

The Interpreter translates the Article read by the Prosecutor to the Accused.

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CROSS-EXAM. DIA. 101 -- Col TOKUJIMA (ACCUSED) -- Major PUBLICORE (Cont.)

WITNESS REL



I understand Article V, but I do not know what sort of regulation this is.

PROSECUTOR:

Did you make a regulation of that kind yourself?

ACCUSED:

As I said before, the War Minister set down various regulations, and the Governor General made various regulations ~~in accordance~~ in accordance with the instructions laid down by the War Minister, and this regulation was most probably included in the regulations that were sent from the Governor General.

PROSECUTOR:

WITNESS, ACC

Alright then, will you please answer the question -- did you draft this regulation?

As I just said the War Department set down various regulations -- in accordance with those regulations the Governor General made various instructions, and these instructions were passed on to me; this regulation might have been included in the instructions from the Governor General, I did not myself make such a regulation.

PROSECUTOR:

Will you look at the first page and I will ask Mr. TOSHIO (Interpreter) to translate what it says on the whole page.

"ADMINISTRATIVE REGULATIONS FOR THE PRISONERS OF WAR
IN THE HONG KONG PRISONER OF WAR CAMP ARE HEREBY
ENACTED AS SHOWN IN THIS PAMPHLET".

COLONEL TOKUMAGA
COLLATERAL IN CHIEF
PRISONER OF WAR CAMP HONG KONG.

April 1st 1942."

WITNESS ALL

~~ADDED~~

Does that mean that I made these regulations? I want to know if that means that I made these regulations or not?

PROSECUTOR:

I don't know what it means, I want you to tell me what it means?

WITNESS:

~~ACCUSED~~.

I do not know what sort of regulations this book includes.

PROSECUTOR:

It says 'Colonel TOKUNAGA, Commander-in-Chief, POW Camp, Hong Kong' at the bottom right hand corner of the page; does that mean that you made those regulations; if it does not, please tell us what it does mean?

WITNESS ALL

ACCUSED:

I do not know what this document is or where it comes from and also the seal of HASEGAWA is on the book but I do not know what sort of book he has translated this from or who this HASEGAWA was.

PROSECUTOR:

WITNESS

There is an interpreter HASEGAWA in STALEY Prison at the moment, isn't there, Colonel?

Yes, there is an interpreter HASEGAWA at STANLEY Prison, but in the first place I do not know what this document is or where it came from.

PROSECUTOR:

You understand, of course, Colonel, that you can call HASEGAWA in as a witness to explain that if you like.

COURT:

I think it will be more satisfactory if PROSECUTION called HASEGAWA to clear this point.

[illegible]

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CROSS-EXAMINATION -- Col TOKUNAGA (ACCUSED) -- Major PUDDINGBE (Cont.)

WITNESS RCL
ACCUSED:

I myself have no objection to calling HASEGAWA -- you better ask the President.

PROSECUTOR:

Now, Colonel, the Article as it appears here -- Article V, is it in accordance with the regulations issued by the War Minister or the POW Information Bureau or the Governor of Hong Kong?

WITNESS RCL
ACCUSED:

As I have been saying all along, I do not know anything about that book. What was the necessity for the POW Camp to have this book translated into English?

PROSECUTOR:

Sir, I submit this book as evidence for the consideration of the Court for what it is worth.

COURT:

The Administrative Regulations of the Hong Kong POW Camp, dated April 1st 1942, bearing the name of Col TOKUNAGA, Commander-in-Chief, POW CAMP, HONG KONG, and a seal stated by Col TOKUNAGA to be of one HASEGAWA, is handed to the Court, initialled by the President, marked Y(4) and attached to the proceedings.

COURT:

Col TOKUNAGA, I want you to look at the characters in red on the top right hand corner and tell the Court what those mean?

WITNESS RCL
ACCUSED:

In Japanese it says 'GOKUHI' which means 'extreme secret'. These characters are only stamped on secret documents of the Army and such characters are not stamped on English documents.

PROSECUTOR: RCL
WITNESS
ACCUSED:

Will you look at the two top characters on the left hand corner and tell the Court what they mean?
That means interpretation.

PROSECUTOR:
WITNESS RCL
ACCUSED:

And the bottom one is the signature of HASEGAWA, is that right?
This is a seal with the characters HASEGAWA on it but I do not know whether this seal is actually interpreter HASEGAWA'S or not. The characters of the seal mean 'extremely secret' and also the seal is only an ordinary seal and can be got anywhere and I do not know whether these seals were used by the POW Camp or not. If Interpreter HASEGAWA was asked whether this was his seal or not it would make everything very clear.

PROSECUTOR:

Will you tell the Court who appointed the man you have referred to, or the official you have referred to, on various occasions, as the POW representative -- was he appointed by you as Camp Commandant or Commander-in-Chief of POW Camps?

WITNESS
ACCUSED:

I decided on the POW representative.

Q. Was there just one POW representative during your 3½ years tenure of command or was there more than that?
A. They changed many times.

Q. At any one time was there more than one POW representative?
A. At one time there never was two representatives.

Q. Does he mean there was only one at a time?
A. As I remember it there was only one.

Q. At one time?
A. As I remember it, yes.

Q. This POW representative would officiate for SHAN SHUI PO, ARGVILL STREET, the Indian Camp, BOWMAN ROAD HOSPITAL, and while it was in operation, CORNH PORT CAMP, is that correct?

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CROSS-EXAMINATION -- Col TOKU'AGA (ACCUSED) -- Major PUDDINGHEAD (Cont.)

WITNESS:

ACCUSED: According to the Camp -- he was not a representative of all the camps put together.

COURT: Do you mean by that, that each Camp had it's representative?

WITNESS: That is correct.

PROSECUTION: Will you tell the Court who the representative was at MCATE POINT CAMP?

A. Lt Col MOLE.

Q. And who was the representative at ARGVILL STREET Officer's Camp?

A. At the beginning Major General LALBY.

Q. And after that?

A. After Major General LALBY was transferred, the representative changed from time to time.

Q. Can you say who they were?

A. Lt Col FIELD.

Q. Is that the only one?

A. There were more.

Q. Can you remember who they were?

A. I do not remember the names but there was an Air Force Officer and a Lt Col who were representatives for a time.

Q. In ARGVILL STREET CAMP was there any POW Representative appointed by you whose rank was lower than a Lieut-Col?

A. At ARGVILL STREET -- No.

Q. You told us the other day when you were addressing your staff when you started administration, you pointed out to them that things were in confusion in the camps and, therefore, to improve accommodation this was a very important point.

A. I do not think I said important, I think I said necessary or may be I said important.

Q. You also said, and I read from the transcript here (transcript of 2nd January) -- "I also emphasized that there was confusion among the Japanese Army and it would be very difficult to receive material; therefore, I myself would do my best and you yourselves must do your best to improve the matter" -- do you remember that?

A. I remember that.

Q. Well, now, witnesses who have been before this Court have told us that many huts were in a bad condition because of leaky roofs; what did you do to improve this condition. Why did it take you three months, six months or two years to improve this condition?

A. Some of the roofs did leak, but did they not leak before, as you say, for three months, six months or two years?

Q. What did you do to have them repaired -- I suggest that you did nothing apart from what the POWs repaired themselves.

A. That is not correct; the POWs were used in the work of repairing the roofs, but that does not mean that the Japanese side did not do anything; the roofs were repaired with the help of the POWs.

Q. Col CRAWFORD told us about a bad drain, in the middle of SEAN SEU PO camp, which was stuffed with barbed wire and he said that he pointed that out to Capt SAITO, but nothing was done, -- now, why didn't you repair that drain?

A. This was told to Dr. SAITO -- I never heard of this matter. If I am to be charged with such a small matter -- then at the SEAN SEU prison various representations have been made but the Chief of the prison has not done anything about that.

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CROSS-EXAMINATION -- Col TOMIYAMA (ACCUSED) -- Major PUDDICKE (Cont.)

- Q. Do I understand then from your answer that you did not know that there was a bad drain in the middle of SEAN SHUI PO Camp?
- A. Do you mean because of a typhoon the drain became filled with water. Sometimes, because of the tide the drains would become filled with water and because of these tides it is only natural for drains to become filled with water. Frequently, we ourselves, because the typhoon would break down a window, we would become wet and would not be able to sleep the whole night; such a thing happened frequently. This about the drain is the same thing.
- Q. Col CRAWFORD told us that there was a typhoon drain in SEAN SHUI PO Camp stuffed with barbed wire, which he asked to be removed, and it was not removed, and I want to know if there was such a condition at SEAN SHUI PO Camp?
- A. I know that these drains would become filled with water from time to time and because of this they were kept clean.
- Q. Do I understand then that the drain Col CRAWFORD spoke of was kept clean by the Japanese?
- A. Sometimes the guards would clean the drains; sometimes the POWs were used in cleaning the drains.
- Q. Col CRAWFORD said that there were insufficient latrine buckets, -- you say that you ordered your Intendant Officer to make more available; why did you not see that your Intendant Officer carried out your instructions?
- A. I do not think that he did not.
- Q. They were not renewed -- there were never more than seven latrine buckets in the whole hospital -- now are you going to tell us that there were more than that despite the number of witnesses who have testified to the contrary?
- A. I do not remember actually how many buckets there were.
- Q. Many other witnesses have told us that the POWs were not issued with any eating utensils and that they had to eat out of ordinary tin cans -- what did you do about that situation?
- A. I ordered the Intendant Officer to make such equipment available.
- Q. Did you do anything further than that?
- A. Besides ordering and receiving these eating utensils nothing else could have been done.
- Q. How was it that the POWs did not receive eating utensils -- most of them had to use common tin cans all through their imprisonment? Did you send those to Mary Wong's hospital in Kowloon?
- A. I did not understand your last remark -- from where were these utensils sent?
- Q. That is what I want you to tell me -- what happened to the utensils -- the POWs did not get them?
- A. Utensils were applied for to the Governor General and all that were received was distributed; the POWs must have received these utensils.
- Q. When you took over the Camp at NORTH POINT, you agreed that the huts were in a bad condition, did you not?
- A. I said that it was a little crowded.
- Q. When you took over the Camp at NORTH POINT, you agreed that the huts were in a bad condition, did you not?
- A. I said that it was a little crowded.
- Q. What you said, according to the transcript here, is this: 'I thought that although the damage was great, if the buildings could be arranged properly they could be used' -- that is what you said. Then you went on to say 'As for NORTH POINT, because of the large number of POWs it was much more crowded than SEAN SHUI PO'. What I want to know is this, what do you mean when you say 'if the buildings could be arranged properly' -- do you agree that those buildings were about 40 meters long

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CROSS-EXAMINATION -- Col TOMURA (ACCUSED) -- Major FURUKAWA (Cont.)

by 4 to 5 meters wide? I mean each building?

- A. I agree to that; those huts are still standing and if you go there you can see for yourself.

Q. I have been there and seen.

- Q. When you said that if 'they could be arranged properly' -- do you mean by putting double rows of bunks so that 120 men could be placed in that 40 x 5 meter area that that was arranging the hut properly, is that what you meant?

- A. As I said before, if it was possible, I would have wished to have the POWs transferred; at that time nothing could be done, therefore, two platforms were made and the POWs were accommodated there. I agree that the accommodation was crowded.

- Q. Do you recall that Col HOME suggested that the Canadians be allowed to build their own Camp at STANLEY using, to some extent, material which they themselves would provide, and material which they would salvage?

- A. I heard about this through the Commander in charge of the Camp, Lt. WADA.

- Q. Did you endeavour to make arrangements for that suggestion to be carried out? We know about STANLEY FORT being used for the soldiers -- you have already told us that so you do not need to refer to that again?

- A. It was deliberated on, but nothing could be done, and nothing was done.

- Q. Can you tell the Court the reason why nothing could be done?

- A. At that time not enough huts were available; also materials; also to transfer POWs to STANLEY boats and other transport facilities would have been needed. Also, to make a separate camp for the Canadians the only place possible would have been at the SHAN SHUI PO Camp and at that time SHAN SHUI PO Camp was also very crowded. It is not laid down that all applications from the POWs should be listened to.

- Q. You say there were no other huts available -- what Japanese troops were there in the Barracks at LYBURN GAP?

Interpreter: Witness does not know the Chinese pronunciation.

Prosecutor: May be I will put it this way -- there are barracks not far from NORTH POINT Camp, just before Saikawan buildings -- what Japanese troops were there?

- A. I do not know.

- Q. What Japanese troops were in Murray Barracks -- those are the barracks between Garden Road and Queen's Road Central?

- A. I do not know anything about such things.

- Q. Do you know if there were any Japanese troops on the Peak - Wellington Barracks -- I think they called it?

- A. I do not know.

- Q. Do you know if there were any Japanese troops in the Indian Barracks on Kennedy Road?

- A. I do not know.

- Q. Do you know if there were Japanese troops in Whitfield Barracks, Nathan Road, Kowloon?

- A. I have never heard of such a name, I do not know.

- Q. Do you know if there were Japanese troops in the area immediately surrounding Hqs., that is what we know is Victoria Barracks?

- A. Your questions are very vague -- at the time of the occupation the colony of Hong Kong was filled with Japanese troops. They were even quartered in broken down houses or houses without windows or doors, and some of them even had to stay outside; I do not know where these Japanese troops were accommodated at that time.

- Q. Then, will you agree that your investigations in the possible places

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CROSS-EXAMINATION -- Col TOMIYAMA (ACCUSED) -- Major PUDDICOMBE (Cont.)

with regard to the POWs was not very exhaustive?

- A. That is not right -- I made an extensive search for huts but as I have just said now, Japanese troops were accommodated in broken down buildings and most of the buildings were filled with Japanese troops -- I do not know in what buildings or what Japanese troops were accommodated in Hong Kong at that time.

The Court is adjourned for five minutes recess. *K 11:30 to 2:00*
The Court reassemble *K 11:35 to 2:00*

- Q. Now Colonel, when the first draft left for Japan in September 1942, it left from SHAN SHUI PO Camp, I understand?

A. That is correct.

- Q. That was the draft of approximately 800 men that left on the LISBON MARU, was it not?

A. What do you mean by LISBON MARU?

- Q. That is the name of the ship -- the draft that left in September 1942 went to Japan on the LISBON MARU, is that correct?

A. Yes -- the draft that went to Japan in September 1942 went on the LISBON MARU.

- Q. Then the next draft went in January 1943, that is, about four months later, do you agree?

A. There was a draft that left for Japan in January 1943, but that was the third draft -- I think there was one before the LISBON MARU.

- Q. The one that went in January 1943 had about 400 men aboard -- is that right?

A. The draft that went to Japan in January 1943 was made up of 1200 men.

- Q. That draft went from SHAN SHUI PO Camp as well, did it not?

A. That is correct.

- Q. And the draft that left in between the LISBON MARU draft and the draft that left in January 1943, how many did it have on board?

A. There was no draft between the LISBON MARU draft and the one that left in January 1943.

COURT: Major PUDDICOMBE, I understood witness to say there was a draft before the LISBON MARU Draft.

- Q. The draft that left before the LISBON MARU draft, did that go from SHAN SHUI PO Camp?

A. That is correct.

- Q. How many were on that draft?

A. As I remember it -- about 500 POWs. The second draft left on the LISBON MARU and there were 1800 on board.

- Q. Are you quite sure there was a draft before the LISBON MARU draft?

A. I am sure.

- Q. When did the first draft go?

A. I think it was at the end of August. I think Lt TAMURA was in charge of this draft; he would know.

- Q. So between the 1st of August and the end of September you had vacancies in SHAN SHUI PO for 2300 men? Is that correct -- that is 500 who had left on the first draft and 1800 on the second?

A. I think it was more than 2500 because one draft consisted of 500, the second 1800 and the third 1200.

- Q. Yes, the third draft of 1200 went in January 1943; I am talking about the two drafts that left from August to the end of September 1942 -- that amounts to 2300, is that right? Just omit the draft in January for the moment.

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CROSS-EXAMINATION -- Col TOKUNAGA (ACCUSED) -- Major PUDDISCHKE (Cont.)

- A. Those two drafts made at least 2300 men.
- Q. So that when the Canadians from NORTH POINT came in they did not fill all the space that the 2300 men who had just left had filled previously, did they?
- A. The Canadians from NORTH POINT Camp were accommodated in all the places left open by the drafts; and also new accommodations -- as the SIAM SHU I PO Camp was increased.
- Q. When the 1200 men left in January 1943 there was additional accommodation available then, was there not?
- A. Yes, 1200 men were sent to Japan therefore there were so many vacancies.
- Q. You have said that you were not allowed to put POWs in there because the Governor General wanted that for Japanese troops, do you recall that?
- A. Yes, I remember.
- Q. A number of witnesses have told the Court that those huts emptied by that draft and subsequent drafts were never used by Japanese troops; therefore, what representations did you make to the Governor General following the first draft, for permission to use the space that was available after their vacation for the purpose of accommodation by the over-crowded POW Camp?
- A. You do not seem to understand the situation at that time; altogether six drafts were sent to Japan; the total number of POWs that were mostly sent was up till January 1943 and after that three drafts of about 500 each were sent to Japan; when the largest drafts were sent to Japan there was no available accommodation, but later on vacancies occurred -- i.e. after the latter three drafts were sent to Japan there were some vacancies. When these vacancies became available, POWs were accommodated in these vacancies, because they were crowded and after they were transferred to these vacant spaces, there were still some vacant huts left over.
- Q. According to the evidence of some witnesses, even at the best of times there was never less than 40 men to a hut, and generally more than 40 -- sometimes even as many as 60 men to a hut in SIAM SHU I PO Camp; the evidence is that those huts are meant for 32, so that, at all times they were over-crowded. Why didn't you use some of the empty huts that were available?
- A. To answer that question, first of all I wish to explain about the space; there is a difference in the opinion of westerners and the Japanese concerning space; westerners might think that 32 men is the capacity of such a hut, but the Japanese Army did not consider 32 men, but 50 or 60 men as the capacity of such a hut; you must understand this difference of opinion. Also about the vacant huts -- there was an order from the Governor General that these vacant huts could not be used; therefore, the POW Camp did not use the vacant huts.
- Q. In speaking of BOWEN ROAD Hospital you have said in the Court "Besides these, there were various kinds of patients but as I observed it there were no cases that needed special treatment" -- just what do you mean by "there were no patients there who needed special treatment"?
- A. By special patients I mean infectious diseases patients.
- Q. Do you mean then, from your observation of the hospital, there were no diphtheria patients there at any time?
- A. That is correct.
- Q. Will you tell the Court how many times you inspected BOWEN ROAD hospital during the months of June, July, August, September, October and November 1942?
- A. I do not remember how many times I inspected the hospital.
- Q. Could it be that you did not inspect the hospital at all during those months?

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CROSS-EXAMINATION -- Col TOMIYAMA (ACCUSED) -- Major PUDDICOMBE (Cont).

- A. No, that is not correct, I mean that I do not remember how many times I actually inspected the hospital. It might have been three or four times.
- Q. There is evidence in the record, some of it is Japanese evidence, most of it, of course, is by POWs, that more than a few patients at BOWEN ROAD hospital died of diphtheria during that period, so how could you say that there was no diphtheria patient there then?
- A. The evidence I have given is from what I observed of the BOWEN ROAD hospital when I inspected it immediately after I took up duties in Hong Kong and I said that at that time there were some cases of enteritis and other diseases, but no cases of diphtheria.
- Q. Now, then, do you agree that there was diphtheria at BOWEN ROAD hospital at that time, i.e. between June and September 1942?
- A. I agree that there were such patients.
- Q. Then, you will also agree that there were special patients - as defined by you - at BOWEN ROAD hospital, won't you?
- A. I do -- there were some T.B. patients also.
- Q. You were asked by your Counsel a question respecting stoves at NORTH POINT Camp. You have answered that there were no stoves given to the POWs because the Japanese Army in Hong Kong had no stoves. Are you prepared to say, on your oath, that at FORBES STREET Hqs. there were no stoves and no heating equipment whatsoever?
- A. There was a stove. This stove was a stove to burn coal; the stove was not broken, therefore, there was a stove at Hqs.
- Q. Was there a stove or other heating equipment at ARGYLL STREET where TANAKA and other people were billeted?
- A. As the building was not damaged, of course, there was a stove; such stoves are built to burn something in and it is quite natural that there was a stove.
- Q. Will you agree then that there was also a stove in the house you occupied in Kadoorie Building and the house you occupied in Waterloo Road - won't you?
- A. There was.
- Q. So that, at least some of the Japanese Army had stoves, is that correct?
- A. I did not say that nobody in the Japanese Army had any stoves -- I did say that the Japanese Army did not warm themselves by the use of a stove.
- Q. How long were the Japanese troops in Hong Kong without stoves?
- A. The Japanese Army did not make use of the stoves -- they might have had some stoves but to make use of some stoves firewood, coal or electricity were necessary. In Hong Kong such materials were short.
- Q. Was it then because of the shortage of fuel that the POWs had no stoves?
- A. It is laid down in the Treatment of POWs that POW Camps should be looked on as auxiliary to the Japanese Army and if the Japanese Army did not use stoves to warm themselves it could not be thought that the POWs would be issued stoves to warm themselves; there is no regulation saying stoves should be given to POWs when such stoves are not given to Japanese troops.
- Q. Is there a regulation saying POWs should not have stoves because Japanese have not got stoves?
- A. Matters concerning supplies to POWs were done by the Governor General and there is such a regulation.
- Q. Now, in regard to clothing -- do you think that the POWs were adequately clothed against cold during the winters of their internment?
- A. I think they had sufficient clothes.
- Q. Had they as much clothing as you have, for instance, Colonel?

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CROSS-EXAMINATION -- Col TOMIYAMA (ACCUSED) -- Major FURUKAWA (Cont.)

- A. The POWs had the clothes which they themselves brought in and also clothes that were issued to them by the Japanese side.
- Q. Please answer the question.
- A. It is laid down that POWs should be treated in the same way as auxiliary members of the Japanese Army and concerning the supply of clothing, the Governor General laid down a regulation and the POWs were supplied according to this regulation. What I wore was what I brought myself. It is most natural that their clothes would be different from my clothes; if I were a POW at that time I would have worn the same clothing as they did. I myself, even now during the winter time am wearing summer clothing; this is all the clothing that has been issued to me, even my shoes are like this; none have been supplied to me. (Witness stands up and indicates clothing and shoes). I am sorry that I interrupted the Court, but I have told the truth.
- Q. The question I have asked you, which I do not think has been answered yet, is whether you had more clothes than the POWs. That is the question I want answered?
- A. By the answer which I just gave you should know -- at that time I was not a POW, I was a member of the Army -- I was Camp Commandant and also I was a full colonel in the Japanese Army and I lived as such.
- Q. My understanding, then, is that you did have many more clothes than the POWs?
- A. That is correct.
- Q. In regard to soap, you told the Court that the Intendent Officer could spend 10 yen for soap; now I want to know whether that was 10 yen per man for one week, one month, one year or for the whole period of the internment. I want to know how long that 10 yen had to last.
- A. 10 yen was the amount allowed for one month.
- Q. For one man?
- A. Yes, for one man.
- Q. Was that the allowance throughout the whole 3 1/2 years of the imprisonment?
- A. No, I do not remember the exact amount, but because the prices went up in Hong Kong it became difficult to buy these things. An addition was made to this amount.
- Q. Witnesses have spoken about the soap in this Court and all have agreed that they were supplied in very small quantities, both for cleansing purposes, for the body and general use?
- A. I agree that in a way the soap was not sufficient.
- Q. ~~By~~ What means did you take besides telling the Intendent Officer to provide soap in adequate supply?
- A. Besides instructing the Intendent Officer there was nothing else that I could do.
- Q. Do you mean to say by that, that as far as your experience goes, that you could not have manufactured soap, or given the ingredients to manufacture the soap to the POWs so that they could do that themselves?
- A. I knew that some of the POWs would be able to make soap, but at that time the necessary materials for making the soap were not available, and therefore this could not be done.
- Q. What materials are required to make soap? Wood ash is one, is it not?
- A. Alkaline.
- Q. Do you know that wood ash is one of the things from which soap can be made?

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CROSS-EXAMINATION -- Col TOKUNAGA -- Major FUDDICE BE (Cont).

- A. Yes, of course, wood ash might be used.
- Q. What attempt did you make to collect the wood ash in Hong Kong so as to let the POWs make their own soap?
- A. Ashes at that time were not available.

DEFENCE: Exhibit Y(4) -- I would like to borrow that during the lunch hour.

The Court is adjourned until 1400 hours.

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32nd Day's Proceedings. 9 January, 1947. P.M.

At 1400 hrs. on 9 January, 1947, the Court re-assemble, pursuant to adjournment: present the same Members as at adjournment.

1st WITNESS FOR THE DEFENSE - Col. TORIYAMA (Accused)

CROSS EXAMINATION (Contd.)

- Q. Now, will you tell the Court whether or not the POWs received as much food as the Japanese troops who were billeted here in this area received?
- A. I do not know the details but I think there was a difference.
- Q. Would you say that the Japanese soldiers got more food than the POW soldiers here?
- A. As I understand it, the amount was more than the POWs.
- Q. According to what you told us in the past it was the duty of your Intendant officer to draw rations for the POWs camp and you have told us his instructions were to draw them according to certain regulations laid down by one of your superior authorities. How would you know if he did not draw those rations?
- A. The Intendant officer did his duty honestly, I think.
- Q. How do you know that?
- A. Such an Intendant officer was my subordinate and he was under my command; therefore I know that he was doing his work honestly.
- Q. Many witnesses in this Court, some by affidavit some personally, have told the Court that they did not always receive rations they were entitled to, and when the rations were short they were never made up. Have you any comment to make on that? I think I am correct in saying that Col. KERR who spoke Japanese was one of the officers that gave that evidence and he would be used as interpreter in the camps to you, to explain that they were not getting the full rations.
- A. In answer to your question whether rations were issued according to the regulation, or if there were short issues, I have no knowledge of rations being short issued. As Col. KERR spoke Japanese he was used as interpreter to the POW representative and I never received a direct representation from him concerning short rations.
- Q. Will you tell the Court what inspection you made to see whether or not your officers, particularly the Intendant Officer was fulfilling his duty?
- A. From time to time I went around and saw the ration and saw full rations were distributed correctly, and sometimes the chief of the administrative section of the HQ would go round to see if such things were correct or not.
- Q. Do you swear that on no occasion you received any complaints from the POWs that they were not getting the full scale of rations? Do you swear to that?
- A. Do you hear that if I ever received any complaints from the POWs saying that they did not receive rations according to the regulations? As I said before I have no knowledge of such a thing. I do not know if the POWs said such a thing, they said it.

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Col. TOWNSHIP.

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- A. It was absolutely not so, that meat was not supplied for more than a year. When I asked him and what 3 times a week, sometimes meat was supplied 3 times a week but it was not always supplied 3 times. The supply for ration for Japanese troops and the scale of rations for the POWs is different; therefore it could not be said that the same food must be given to the POWs as was issued to the Japanese.
- Q. You said that meat was supplied. I don't think the meat was not in supply; you will agree that it does not necessarily mean the POWs got the meat supply.
- A. As you just said I do not know why meat issued to POWs was not received by POWs; I myself do not know that. It could not be thought that meat issued to POWs was not received by the POWs.
- Q. You said previously that you did not receive complaints - if I understood you correctly - at the time regarding food. Is that correct?
- A. You asked me if I received any complaints or heard anything about this from Col. HERR and in answer to that question I said I did not receive any complaints concerning food from Col. HERR.
- Q. I asked you also if you ever received any complaints about food on your inspections and I understood you to say you never received any. Do you agree, or were there times when you did receive complaints about food? I am asking you this because in your Examination in Chief you told the Court there were times when you received representations from the POWs asking that the food be improved (page 428 - the 4th question and answer from the bottom).
- A. I remember saying that.
- Q. Did you receive those requests that the food be improved?
- A. I have heard such requests, but they were not from Col. HERR.
- Q. Now you have also said that nothing much could be done about improving the food condition, because the regulation had stipulated the amount of food and consequently nothing could be changed. Is that why you gave that answer?
- A. That is correct.
- Q. Major ALDO, the Japanese Staff officer who was here said that in cases of that kind, a petition could be made. Did you make a petition?
- A. I never made any such petitions but it was better than making a petition for one to do and explain the facts himself. So I went myself several times and explained the facts about the food situation instead of making a petition.
- Q. In regard to the pig farm and the seeds, you have given the Court to understand I think that you paid for the pigs and seeds. I ask you now if the POWs themselves did not supply the money to pay for the pigs and seeds.
- A. The POWs did not have money available. I myself went and bought the pigs and the seeds. But there was this actual fact and maybe the POWs made a mistake about this - in the Ramis section of SHA. SHUHO camp many pigs were born and it was found very difficult to feed these and the officers in the "other tanks" camp wanted to buy these pigs so they bought the pigs from the "other tanks" and the money was made available in the cartons of the "other tanks".
- Q. Did those officers pay those "other tanks" \$30,000 for pigs?

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- A. As I remember it, I do not remember exact details, there were 4 baby pigs and I had the price of each fixed at 100 yen and at most the total amount was about 400 yen. Major BOY, on the officers' side, said that officers were receiving pay and that the other boys were not receiving pay therefore something like present to them should be paid for the pigs. After consultation with the POW representative, the price was fixed at 100 yen.
- Q. Who was Major BOY? Was he the POW representative?
- A. Yes.
- Q. In what camp?
- A. He was the representative of the other camp at SHANSHUPO.
- Q. For how long?
- A. Until the surrender he was the representative.
- Q. When did he start?
- A. I do not remember exactly but after the officers were transferred to ABYLL St. camp, some time in May or June 1942.
- Q. You said in your examination in chief (on page 428 the last paragraph): "If the Japanese ~~was~~ ^{was} acknowledged the application to have a patient hospitalized is reasonable he would report the matter to the Camp Comdt. and the Camp Comdt. would give permission". By that do you mean yourself?
- A. I wish to know what this document is.
- Q. That is the transcript of evidence.
- A. The Camp Comdt. means myself.
- Q. You went on to say inasmuch as the Camp Comdt. had no knowledge of disease, he would always acknowledge the decision of the medical officer and would have the patient hospitalized. By that do you mean every time Dr. SAITO told you a patient had to be hospitalized that you allowed it immediately?
- A. I think that I have said before that as the Camp Comdt. did not have any medical knowledge he would always recognize the opinion of the medical officer and the final responsibility of the order would be with me.
- Q. How many cars were there at your HQ at ABYLL St. 1. . . ordinarily attached to your HQ?
- A. It would be different according to the time but ordinarily as I remember it, two staff cars and 3 or 4 lorries were attached to the HQ.
- Q. Going back for a moment to this business of going to hospital you said you had the final responsibility. Is it not equally true that the primary responsibility was that of Dr. SAITO's?
- A. I do not know when a responsibility of a certain officer would stop: because I was the Camp Comdt. of the POW camps, under the supervision of the authorities, I had overall responsibility of the camp.
- Q. I think perhaps witness does not quite appreciate the position. Suppose Dr. SAITO failed to inform you that a patient was in a serious condition or needed to be sent to hospital, you would not know this. So, going the other way around, if a patient died because he was not in hospital, would Dr. SAITO be responsible for that?

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Col. SAWADA.

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- A. If Dr. SAITO forgot to report the matter to me, it would be his responsibility.
- C. One of the staff cars at KOFU ST. was, I understand, yours. Was the other assigned to Dr. SAITO?
- A. The other staff car was used by the other persons.
- C. Did Dr. SAITO have the use of it as well, or was he included among those who could use it?
- A. He was. But at the time gasoline was very much in short-
age and frequently the car was out of order.
- C. You have told the Court that immediately on hearing the news of the POW's escape from KOFU ST. you left your HQ and went there directly. How did you go there?
- A. I did not say anything about my going to the KOFU ST. Camp immediately after I received a report of the desertion. I did not go to KOFU ST. Camp.
- C. Did you go anywhere immediately?
- A. At that time I said that I received a report of POW's escape from SHAN SHI IFO and I went to SHAN SHI IFO Camp.
- C. Where did you go then, did you go to the island of HONG KONG immediately after that to see the Governor-General or the Chief of Staff?
- A. That is correct.

COURT: It is here in Exhibit W(3), statement made by the witness to Capt. COLLISSE on 27 April, 1946, on page 3. He said, "On receiving the above . . . reported to Chief of Staff ARISUE".

- A. That affidavit, as I said before, was a falsehood and because of this falsehood you have teased me very much about it.

COURT: Does the witness mean that that statement in the affidavit is false and that he never went to see the Chief of Staff at any time about this escape?

- A. I made a report to the Chief of Staff but I did not make a report directly after the desertion.

COURT: That does not really matter. Did you at any time after the escape of these 4 POW's, did you go and see the Chief of Staff from your HQ to his HQ?

- A. I did.

COURT: Will you tell the Court how, in what manner, you went from your HQ to the HQ where you saw the Chief of Staff?

- A. First of all, I ordered somebody to telephone to the shipping unit to make a ship available because I wanted to go on an urgent business to the Governor-General's office. After that I got in a staff car and went to the Governor-General's office.

- C. How long was it from the time you telephoned until you got to the Governor-General's office, approximately?

- A. As I remember it about 40 or 50 minutes later.

- C. Is it true that during the Japanese occupation of this Colony the SHAN Ferry ran back and forth across the harbour pretty regularly i.e. at least 3 or 4 times a day?

- A. At the beginning it had been different; sometimes the ferry went back and forth every one hour; on the average, it was as you said.

COURT: I like to get one more clear. When you went across on this pier to go to Government House, did you go over with your car, i.e. was the staff car taken over, or did you get on the boat and take another car on the other side?

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Col. F. W. H. H. H.

- A. I left my car on the KOWLOON side and from where the ferry stopped on the KOWLOON side, it was very near to the Governor-General's office; so I walked it.
- Q. Was there a ferry also running from the KOWLOON side to SHALSHUIPO, the ferry called the YAMATI ferry?
- A. At a very later date ferries were made available from YAMATI.
- Q. How late would it be if it started?
- A. I do not remember exactly: some time in 1943.
- Q. From that date onward, did they run fairly steadily every day?
- A. I think the ferry was running everyday.
- Q. What was the establishment for trucks or ambulances or other motor vehicles at KOWLOON Road hospital?
- A. On the KOWLOON side, as I remember it one staff car at the beginning, one or two lorries (I do not remember exactly) I think it was one lorry.

The Court goes into temporary recess AC 1130 to 1200
The Court re-assembles AC 1135 to 1200

COURT: Before we proceed, I must inform you that that Accused Sgt. HARADA has been taken ill and although the regulations do lay down that the trial can continue without the presence of one of the Accused, I should like to know whether you propose to cross-examine Col. COURTAGE in connexion with any incident in which Sgt. HARADA was concerned.

PROSECUTOR: No, Sir.

- Q. You have told the Court that Dr. SAILO was very worried about foodstuffs being insufficient for the POWs and that he planted a papaya orchard in order to provide food. When was that orchard planted?
- A. I do not remember exactly but I think it was some time in March, 1943.
- Q. It was planted at ARGYLL St. officers' camp, was it not, or close to it?
- A. The biggest orchard was planted near SHALSHUIPO camp; also there was an orchard planted near ARGYLL St. camp.
- Q. The orchard at SHALSHUIPO, when was it planted?
- A. As I said just now I do not remember exactly but it was some time in March, 1943.
- Q. Was there not a Japanese military hospital at KOWLOON?
- A. There was.
- Q. Was that St. TERESA's hospital or one of the other hospitals in KOWLOON?
- A. ~~XX~~ I do not remember the name of the street: but there was a Japanese military hospital in KOWLOON.
- Q. (Holding book, exhibit W(4)) Will you look at article 24 of the detailed POW treatment regulations? That states that in order to reach agreement with the Chinese Medical Commission that hospital to accommodate POWs who needed special medical attention?
- A. Directly, I got in touch with the superintendent of the Chinese Army Hospital to have patients hospitalized there, but the superintendent said that no POWs could be admitted.

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A(Outd.) into that hospital. The reason the superintendent gave why this could not be done was that the Japanese army hospital was already too crowded and there was no room for further patients. Besides this he said it was not proper to have POWs come in touch with Japanese patients. The use of this I reported the matter to the Governor-General and he decided that patients ^{not} to be permitted in the Japanese army hospital.

- Q. Did you point out article 24 to both the superintendent and the Governor-General?
- A. Yes I did, and this article says that POWs patients "might" be accommodated in the army hospital. It does not say they must be accommodated there. Also the Governor-General gave a reason stating that the POW camp was using the former British army hospital and also the well-equipped St. TERESA hospital; therefore it was not necessary to have patients accommodated in the army hospital.
- Q. That was, was it not, in so far as St. TERESA was concerned, sometime in 1942?
- A. That is correct.
- Q. Did you point out to them that this article 24 was set down by the Ministry of War?
- A. This regulation was made by the Ministry but it says here that POWs "might" be accommodated; it does not say they must be. These regulations concern POWs generally and in such a place as HONG KONG when there is such a good hospital as St. TERESA's hospital such a regulation does not apply.
- Q. Did you not tell the Court that St. TERESA's hospital was taken away from the POWs some time in 1942 because as I recall you told us, one of your superior officers said that it was too good for POWs?
- A. That is correct.
- Q. So St. TERESA's hospital was available to POWs for a matter of something less than 12 months, is that correct?
- ... Yes.
- Q. Did you report to the POW Information Bureau that the Governor-General had upheld the supervisor of the military hospital and refused to agree with you with accommodation of POWs in the Japanese military hospital in KOWLOON?
- A. I did not report the matter to the Information Bureau. This article says that patients "might" be accommodated.
- Q. In regard to the working at HAI TAI airport you have told the Court that you made representations to the Governor-General that this work was war work and that he had said he considered it was not because it was used as a civilian airport. Do you recall that?
- A. I remember saying that.
- Q. Did you say that because you considered ~~xxx~~ working POWs on war work was illegal?
- A. Representations from the POWs were received on this matter and after submitting representations I thought: such work could be thought of as war work. Therefore I reported the matter to the Governor-General.

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Col. TOWLE.

- Q. When did you receive the protest from the POWs concerning the type of work done at KAI TAP airport?
 A. Some time after the work actually began.
- Q. Was that before or after May 20, 1943?
 A. It was not 1943, I think it was some time in 1942 as I remember it, July or August 1942.
- Q. Will you tell the Court just how much civilian use of the airport was made at WAITAP?
 A. The airfield at KAI TAP was very small and gradually the number of airplanes that used the field increased. Civilian planes also used the extended areas.
- Q. In regard to HAPPY VALLEY working party, your Counsel asked you what was the approximate number of POWs engaged and, according to the transcript of evidence you replied, "as I remember it about 250 men". Is that correct?
 A. As I remember it, at that time I said 150.

PROSECUTOR: This is on page 433; I want to clear up a discrepancy between 2 statements there.
 The other is at the bottom of the long paragraph, second from the bottom, "In the case of HAPPY VALLEY ... was received".

COURT: I think the work at HAPPY VALLEY may have gone on for some time; it is possible the number of workers had to be decreased. They may have started as 250 and later come down to that, *smaller number - 150*.

- Q. How many men were required at the beginning to work at HAPPY VALLEY?
 A. I do not remember exactly but the order was for about 200 or 250. At first about this number of men were sent to work but the POW representative said that there were not enough fit men to meet this number. Therefore it was reduced and the actual number of men that did the work at HAPPY VALLEY was about 150.
- Q. You told us the work they did there was preparing a garden. That was not dangerous work was it?
 A. No.
- Q. What was the purpose of sending Dr. SAITO there then?
 A. Although the work was not dangerous, Dr. SAITO went there from the viewpoint of a medical officer and sometimes he would come to visit the hospital at HUI HUNG and at the same time he would visit the work at HAPPY VALLEY.
- Q. Did he do that because some of those POWs who were employed there were in extremely ill health?
 A. That is not correct. The state of health of the POWs was very excellent. There was no fear of bad health.

At 1000 hrs. the Court adjourns until 1000 on Friday 10 January, 1947.

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1000 hours.

THIRTYTHIRD DAY'S proceedings of the trial of Col TOKUNAGA ISAO, Capt SAITO SHUNICHI, Lieut TANAKA HIROSHI, TSUTADA ITSUO (Interpreter) and Sgt HARADA JOTARO, held at HONG KONG on the 10th January 1947.

The C.M.C. assembled at 1000 hrs. R.C.

(Held at Jardine Matheson's East Point Godown).

PROSECUTOR: Sir, I would like to mention that during the Examination reference was made to a document which Col TOKUNAGA stated was his report. The original Japanese as well as the translations, duly certified by George Tong, are here and have been checked and found correct. I have six copies and would like to produce this document to the Court.

COURT: This is concerning the escape of BRANSON, BYRNE, STOPPWOATH, JONOLLY and DUMRE?

PROSECUTOR: Yes sir. Do you want George Tong to prove this document? R.C. R.C.

COURT: Yes, if you will arrange for George Tong to come in and certify the signature to the document. He is busy now with No. 7 Court and may be he can be called in this afternoon.

DEFENCE: I have prepared a translation of the POW Punishment Law and also there are two other Articles that I have prepared a translation of which I wish to produce as evidence.

COURT: Do you wish to produce these now while Col TOKUNAGA is still being examined?

DEFENCE: Yes.

COURT: Who did the translations?

DEFENCE: Interpreter SASAKI.

COURT: Very well then -- Col TOKUNAGA can stand down -- call Mr. SASAKI in to prove these documents. R.C. R.C.
Defence witness SASAKI is called R.C.

COURT: Mr. SASAKI will you remember that you are still bound by your original declaration.

DEFENCE: Will you now produce the POW Punishment Law and from what document did you translate this from?

R.C. WITNESS

INTERPRETER: The document I now hold in my right hand is a translation from Page 42 of the Japanese Collection of Various Regulations concerning POWs.

DEFENCE: Will you read the translation and then produce the same to the Court.

R.C. WITNESS

INTERPRETER: Extracts from page 42 -- Collection of Various Regulations concerning POWs.

The Prisoner of War Punishment Law -- 9th March 1943.
Law No. 41.

The Interpreter reads the extract.

The Prisoner of War Punishment Law -- Articles I, VII and X.

The Interpreter reads the Articles to the Court.

DEFENCE: I have only translated the extracts which concern the charges in the case before the Court.

COURT: Mr. SASAKI, do you certify that these are correct extracts from the POW Punishment Law, 9th March 1943, Law No. 41, and that you have translated them to the best of your knowledge?

R.C. WITNESS

INTERPRETER: Yes sir, I do.

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TRANSLATIONS OF EXTRACTS FROM COLLECTION OF VARIOUS REGULATIONS CONCERNING
POWs, produced by DEFENCE (Cont.)

COURT: The Extracts from the Collection of various Regulations concerning POWs -- the POW Punishment Law, 9th March 1943, are handed to the Court, initialled by the President, marked Z(4) and attached to the proceedings.

DEFENCE: Next will you produce Transmission No.4779 - and where did you make this extract translation from?
WITNESS REC INTERPRETER: I translated this from page 71 of the Collection of various Regulations concerning POWs.

DEFENCE: Then will you produce this in the same way as you did the other document.

WITNESS REC INTERPRETER: Do you want me to read it?

DEFENCE: Will you read the translation?

WITNESS REC INTERPRETER: Army, Asia, Secret. No.4779 (December 1st 1942), subject: Treatment of Prisoner of War Patients -- To: Army Units Concerned.

The interpreter reads the first paragraph and Articles I, II, III, IV, V, VI, VII, VIII and IX.

COURT: Do you certify that this is a true extract from the Army, Asia, Secret. No.4779 and that the translation into English is correct to the best of your knowledge?
WITNESS REC INTERPRETER: Yes sir.

COURT: Do you also certify that these extracts have been translated from the book which you have produced in Court this morning? This book is the same one from which you have translated the other documents which you have produced earlier in this case?
WITNESS REC INTERPRETER: Yes.

COURT: The extracts of Army, Asia, Secret. No.4779, December 1st 1942, subject: "Treatment of POW Patients", is handed to the Court, initialled by the President, marked A(5) and attached to the proceedings.

DEFENCE: Next, will you produce Transmission No.466 and where did you make the translation from?

WITNESS REC INTERPRETER: From the file of rules for the treatment of POWs, TAIWAN, FORMOSA.

DEFENCE: Will you read the translation and produce the same to the Court.

WITNESS REC INTERPRETER: Army, Asia, Ordinary, No.466 -- Transmission to the Army Units concerned in regard to the Expenditure of treatment and Medical Supplies for the POW. April 10th 1943 -- SUGAI Takemaro, Ministry of War Adjutant.

Interpreter reads Articles I, II, III and IV.

COURT: This Collection of Documents that you have in your hand here from which you have made this extract -- what is it actually -- an official collection of regulations which were compiled in TAIWAN or filed at the POW TAIWAN HQS.?

WITNESS REC INTERPRETER: I do not know what sort of a file this book is; I was asked by the lawyers to have certain parts translated and I only translated those parts and I think if you ask the lawyers they would be able to explain the book to you.

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TRANSLATIONS OF EXTRACTS FROM COLLECTION OF VARIOUS REGULATIONS CONCERNING
POWs, produced by DEFENCE (Cont.)

COURT: Is there a title page, what does it say there?

WITNESS RCL
INTERPRETER: Yes there is -- Regulations concerning the Treatment of POWs -- in Japanese it is -- Rules for treatment of POWs, FORMOSA.

COURT: Do you certify that these translations into English are correct to the best of your knowledge?

WITNESS RCL
INTERPRETER: Yes sir.

COURT: Transmission No. 466 -- Army, Asia, Ordinary -- extracted from Collection of the Regulations applicable to POWs, FORMOSA, is handed to the Court, initialled by the President, marked P(5) and attached to the proceedings.

It has been observed in all these reports there are here and there corrections in ink, for the translation sometimes and sometimes for the spelling. Who made these corrections?

WITNESS RCL
INTERPRETER: I made the corrections -- I found that I omitted some words after I had typed the extracts out and I made the corrections myself.

COURT: All these corrections in ink were made by you?

WITNESS RCL
INTERPRETER: Yes sir.

COURT: Mr. HASEGAWA do you wish to ask any questions?

DEFENCE: About the name of the book I do not think the interpreter has defined the name clearly -- is it not the book which you have on the witness stand included in the files?

Col TOKUNAGA asks for the question to be repeated as he did not understand Mr. HASEGAWA'S question.

The question is repeated by Mr. HASEGAWA.

INTERPRETER: The first document in the file is the same as the book which I hold in my left hand.

COURT: And what is the book that you are holding in your left hand, will you name it please?

INTERPRETER: Collection of various regulations concerning POWs. And the first book in this file is the same book as I am now holding in my left hand.

COURT: Major PUDDICOLLE? do you wish to cross-examine?

PROSECUTOR: No, sir.

COURT: Witness can stand down -- recall Col TOKUNAGA.

COURT: Will you remember you are still bound by your original affirmation.

Q. You were telling us about the working parties yesterday -- you stated to the Court that the numbers that were sent on working parties were flexible in accordance with the circumstances, - do you recall that?

A. I remember.

Q. When did you first get to LAITAI to inspect the work being done?

A. When the work first began, sometime in June 1942, I do not remember the date.

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CROSS EXAMINATION -- Col TORIYAMA (ACCUSED) Cont.

Q. Had there been any work done before at that airport or by other working parties before that time?

A. I do not know.

Q. Will you tell the Court then what you meant when you said that the numbers on a working party could not be changed until you went to KAITAKI and after that they became flexible?

A. I do not think I made such a statement.

Q. Did you not tell us as follows: "Q. Some of the witnesses have testified that the number of men on a working party was fixed and that to meet this number what can you say about this situation" -- I am reading this from the abstract of evidence, the last question on page 433 of the proceedings. And your answer was "A. At first such was the situation the number became flexible".

A. At that time I did not say the number could be changed, is it something else to my evidence?

Q. If there is you better find it -- that is all there is written down in the evidence --

A. As I remember it when I went to inspect the work I said that I saw some old men and that I thought that it was a pity to have these old men working there so I had these old men rested.

PROSECUTOR: Yes, that is included in the first part of the next page.

ACCUSED: I did ~~not~~ say that the number of men would not be absolutely fixed, that is the number of men that would be included in the working party, it would not be absolutely necessary to stick to the fixed number. If it is in the proceedings then it is alright, will you please repeat your question?

PROSECUTOR: No, I am not ~~questioning~~ going to repeat the question.

Q. With regard to the electrified barbed wire being put up around the camp, when did that occur, when was this established around SHAM SHUI PO Camp?

A. As I remember it, sometime in May or June 1942.

Q. I want to refer you to the answer you made in regard to POWs being worked inside the premises of the camp -- you were asked whose authority must first be received. Your answer was that the permission of the Governor General must be received before POWs were employed outside the Camp and that the Camp Commandant was permitted to use POWs in work within the premises. In relation to that answer will you consult your regulations, Exhibit X(4) page 24, Article II?

A. I gave my evidence in accordance with this Article -- I said clearly that work inside the Camp could be done on the authority of the Camp Commandant and that the work that was done outside the Camp, the permission of the Chief Administrator i.e. the Governor General, must be received. That is what I said in Court.

PROSECUTOR: The permission of the supervisor, i.e. the Governor General's permission must be received before the POWs are employed. That is not the question I wish to refer to -- I will withdraw that question.

Q. You have said when POWs were used in work outside the premises of the Camp the authority of the supervisor must be received, if you look at Article III of the POW Labour Regulation, Exhibit X(4), it says that the permission of the Minister of War is necessary except in places outside Japan proper.

A. This Article means -----

Q. I am not asking you what the Article means -- I want to know what your answer means. You have said the Governor General's permission was necessary, Article III says the Minister of War's permission was necessary, except in places outside Japan proper; I want to know why you made the

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(ACCUSED)

CROSS EXAMINATION -- Jol TOKUNAGA (Cont).

answer that the Governor General's permission was necessary?

- A. By this regulation it says that the GOC or the Camp Commandant can use POWs in work outside of the Camp and that when such POWs are used outside of the Camp, this must be reported to the War Minister.

COURT: Major, PUDDICOTT, I do not see your line of cross-examination; if you are suggesting the witness' answer is inconsistent in his statements in Court to what the regulation states, I do not see that it is.

PROSECUTOR: Sir, he stated that the permission of the Governor General must be ~~employed~~ obtained before POWs can be employed outside the Camp whereas in the Article it is stated that POWs can be employed by the War Minister except for places outside Japan proper.

COURT: I think witness' answer to that question is in accordance with the regulation -- if you read the whole article you will find that the supervisor of POW Camps who is the C.C.C. or Garrison Commandant may employ POWs in labour outside the camp with the permission of the War Minister with regard to the number of POWs employed in labour, etc.

PROSECUTOR: Sir, in certain cases he states he has authority and in certain cases he does not.

ACCUSED: I stated in court the permission of the Governor General was necessary in cases when POWs were employed outside the Camp, that is what I stated.

PROSECUTOR: Do you mean that you went to the Governor General and suggested that the POWs had been put to work outside the Camp?

ACCUSED: That is not correct -- I think that the Prosecuting Officer has a misconception of the meaning of the Article.

PROSECUTOR: It is irrelevant whether I have a misconception or not. I want you to answer the question.

Q. Did you go to the Governor General and ask if the POWs could be used outside the Camp?

A. I did not say such a thing to the Governor General -- it was not within myself to say such a thing to the Governor General. The Governor General would give orders and the work would be done in accordance with the orders.

Q. Then your answer on page 434 means that the Governor General went to himself and asked his own permission to use the POWs, do you agree? The Governor General went to himself and said 'can I use the POWs'?

A. That is not right.

Q. Will you recall the reports you made to TOKYO respecting the morale of POWs and the escapes and so on, made, if I recall correctly, in October 1942, in which you suggested to the Information Bureau that the prisoners be given more work to do.

A. To uphold morale, do you mean that I asked to have the POWs given more work?

Q. That is not what I mean, I am asking you if you recall having said that?

A. The meaning of your question is that to uphold morale, work must be given to the POWs?

Q. So, the meaning of my question is that when you made one of your monthly reports, did you not suggest to the POW Information Bureau that the prisoners should be given work to do outside the Camp?

A. As I remember it, I made the following suggestion; that is because the POWs seemed to be becoming tired of their long internment, that

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CROSS EXAMINATION -- Col TORUMAGA (ACCUSED) Cont.

I thought that some sort of recreation should be given to them. I did not say that they should be engaged in labour; I said that some sort of recreation should be given to them so that they would forget their tiredness. Such recreation as gardening or the like

PROSECUTOR: Sir, I think the statement I have in mind appears in Exhibit Z(3) or F(4) ..

COURT: The statements to which you refer appear on pages 14 and 15 of the attachment to the affidavit (Exhibit Z(3)).

PROSECUTOR: According to the translation of your report, which we have here (page 15 of the translation) -- the paragraph reads "we are going to give more encouragement to the work in the rear field of the camp until work in the airfield begins in the near future" ...

ACCUSED: What is this document?

PROSECUTOR: It is a translation of this (Indicating Japanese original). Show this original to Col TORUMAGA.

ACCUSED: I do not understand from what document that statement was made.

COURT: And now you recognize that document, do you (Japanese original)?

ACCUSED: This is a copy that came from the POW Information Bureau; it is not the report that I myself actually wrote. It is a copy.

The Court reads the following extracts of Z(3) page 14 and the interpreter translates.

COURT: Page 14 Z(3), para f, Motives for escaping:

- a. As the saying goes, "a man shut in creates no good", the dull, monotonous life of internment is very hard to endure and that is why they dare to take such a hazardous course as escape.
- b. Presumably they would not think of such a deed if they had work to occupy their minds.

PROSECUTOR: That is the statement I had in mind, sir, -- that is what I meant to refer to.

Witness nodded his head after the paragraphs were read but did not make any answer.

COURT: Major, FURDICK, having read the paragraphs and having them translated to the witness, it cannot just be left in the air -- you will not have to put your question to him.

PROSECUTOR: I asked him the question before, sir and I understood him to say that he did not send the report in -- I can ask him the question again.

COURT: When the Court put the Japanese original to him, the witness replied it was not the report he sent in but a copy. I think you should put this to him again.

PROSECUTOR: When you say this is not the report you put in but a copy, do you mean it is a copy of the report which you

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CROSS EXAMINATION -- Col TOKUNAGA (ACCUSED) Cont.

put in?

ACCUSED: That is correct.

The Court is adjourned for five minutes recess. *cc 1130 L, RCL*
The Court reassemble. *cc 1135 L, RCL*

PROSECUTOR: Sir, Mr. Tong is here now.

COURT: Do you wish to call Mr. Tong to be called. *RCL*

PROSECUTOR: Yes sir.

COURT: Call Mr. TONG.

Mr. TONG *Cont witness is duly sworn RCL*
~~makes an oath.~~

COURT: Will you tell the Court your full name?

~~INTERPRETER:~~ My name is GEORGE TONG.
WITNESS RCL

COURT: What is your present occupation?

~~INTERPRETER:~~ *My* At present I am an interpreter attached to 10.7
WITNESS RCL War Crimes Court.

COURT: Mr. TONG, will you look at this document in Japanese
WITNESS RCL and the English translations and tell the Court what
~~INTERPRETER:~~ they are?

The document in Japanese is a report on POWs shot and
the document in English attached is a translation.

COURT: Who made the translation?

~~INTERPRETER:~~ This translation was done by someone else but I have
WITNESS RCL checked it and have found it to be correct.

COURT: You have checked it and found it to be correct?

~~INTERPRETER:~~ Yes sir.
WITNESS RCL

COURT: Is there any signature in Japanese on the original?

~~INTERPRETER:~~ It does not bear any signature, but it bears a seal --
WITNESS RCL Col TOKUNAGA'S seal.

COURT: The seal reads TOKUNAGA - does it?

~~INTERPRETER:~~ Yes sir -- they are the characters in red at the bottom
WITNESS RCL of the right hand corner.

COURT: The report on the shooting of Pte BRANSON, L/Cpl BYRNE,
Pte CONNOLLY, Pte DUNNE and STOPPORTH, purporting to
bear the seal of Col TOKUNAGA, together with the trans-
lation into English, is handed to the Court, marked
C(5), and attached to the proceedings.
Witnessed by the President RCL

COURT: Do you wish the witness to read the translation now.

PROSECUTOR: Do you think this is necessary sir.

COURT: I do not think so.

COURT: Mr. FUJITA, do you wish to ask any questions?

DEFENCE: No.

COURT: Mr. HASEGAWA, do you wish to ask any questions?

DEFENCE: No.

COURT: Witness can stand down.

COURT: Recall Col TOKUNAGA.

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CROSS EXAMINATION -- Col TOKUNAGA (ACCUSED) Cont.

COURT: Before you go on, I would like to make one point quite clear for the record; the two extracts from the Document ^{which} were read to you by the Court or by the Prosecutor, just before the Court adjourned (Exhibit 2(3) page 14 sub paras a and b), and you were shown the Japanese version of these statements, do you agree that these two statements as to the motives of POWs trying to escape -- ~~do you agree that this is what you wrote to TOKYO when you sent in that report?~~

WITNESS: Yes.

ACCUSED: I reported the same to TOKYO.

- Q. Will you tell the Court when the electrified barbed wire was put around the Camp in SHAL SHUI PO?
- A. It was put in June 1942.
- Q. When was it put around NORTH POINT?
- A. At the same time.
- Q. You told the Court it was after this barbed wire was put around the Camp that you came to the conclusion that an oath not to escape should be taken, do you agree?
- A. I agree to that.
- Q. You also said, in answer to a question from your Counsel: "Q. Was there a legal groundmake such an oath"? (page 435 of the proceedings). Remember this was in 1942 -- and you answered "I based this on the POW Treatment Detailed Regulation..... must be taken". Do you recall that?
- A. What I said is exactly as that.
- Q. Will you look at the extracts from the Treatment Detailed Regulation, page 12, Exhibit W(4) and tell the Court what the date of that regulation is?
- A. 21st April 1943.
- Q. That was then about a year after you required the POWs to take this oath, was it not?
- A. When the Detailed Regulations were promulgated it was on that date.
- Q. That was about a year after you required a parole to be taken by the POWs?
- A. This Regulation was promulgated then, but before this there was an Army Transmission, and in accordance with this Army Transmission, the oaths were taken.
- Q. Let me see the Army Transmission please. Point it out in your book there?
- A. Transmissions are not included in this book, but similar to the Medical transmissions that were read before the Court, there were many transmissions sent to me, and in accordance with those transmissions the work was carried out. There is no mistake about the transmission.
- Q. When was the transmission which you speak of now promulgated, when did you get it -- did you have it on the 31st of January 1942 when you took over?
- A. I received the actual transmission after I arrived in Hong Kong but when I was at the POW Information Bureau I was informed that such steps should be taken.
- Q. I want to know this precisely and as precisely as you can give it -- when did you receive that transmission; did you have it on the 31st of January 1942, and if not, how soon after that did you get it?
- A. I do not remember exactly when I received the transmission -- it might have been sometime in April or May, but after I received the transmission I took steps to have the oath taken.

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CROSS-EXAMINATION -- Col. TOMIYAMA (ACCUSED) Cont.

- Q. When you were at the POW Information Bureau on or before the 15th January 1942, did they show you a draft of the transmission or the transmission itself?
- A. They did not show me any draft, they said that if such a pledge is taken from the POWs, it would be very effective in preventing escapes; at present the matter is under consideration.
- Q. As I understand it, from your evidence, the first oath was taken in ARGYLL STREET Camp at the end of August 1942 and those at SHAM SHUI PO and LORRH POINT were taken subsequent to the one in ARGYLL STREET, is that correct?
- A. Yes, it was about that time, i.e. in August.
- Q. Was the transmission that you got, when did you say, March or April 1942, in the same wording as Article V of the extracts from the Detailed Prisoners of War Treatment Regulation of the 21st of April 1943 (Exhibit W(4))?
- A. Yes, the wording was almost exactly the same, but at the bottom of the transmission it said, note: If it is necessary for a POW refuses to make such a pledge -- to make him make such a pledge, if it is necessary, the POW could be detained -- could be confined.
- Q. I direct your attention to the word in the extract of the 21st of April 1943 "immediately", was that word or a corresponding word in the transmission which you received in March or April 1943?
- A. I do not remember whether that word was included in the transmission but the wording of the transmission was as follows: A pledge of no escape shall be taken from POWs after they are interned. If a POW refuses to make such a pledge he could be confined because it could be considered that he has intentions of escaping. As I understand the word "immediately" here, it means that POW Camps are being established everywhere, and after such POW Camps are established, oaths should be taken.
- Q. Will you now explain to the Court how it was that you received the transmission in March or April and you required no parole to be taken until the end of August, some three to four months afterwards?
- A. As I said before I do not remember the exact date when the transmission was received but the oaths were taken shortly after the transmission was received.
- Q. Many witnesses have told the Court that when the oath was required to be taken at SHAM SHUI PO over 100 other ranks and including some officers, refused to take the oath at first, 116 of them in all I think; do you deny that?
- A. I do not remember how many actually refused to sign the oath at the beginning but I do know that some refused to sign the oath?
- Q. Do you agree then that it is likely that a number exceeding 100 refused to sign that oath in the first place -- that is at SHAM SHUI PO?
- A. According to a report from the Commander in Charge of the Camp I heard that about 100 men refused to sign the oath at the beginning.
- Q. Did you hear how the 100 men were convinced that they should sign the oath eventually. Did the report tell you that they were taken out and threatened with shooting?
- A. It was not written; the report was made verbally to me by Lt SAKAIKO.
- Q. Did he report how he had convinced the POWs that they should sign the parole?
- A. Yes, he reported to me verbally that he was finally able to make the POWs sign the oath, but still two or three absolutely refused to sign the oath and, therefore, in accordance with instructions from the Camp Commandant, these three or four POWs who refused to sign the oath were sent to STANLEY PRISON.
- Q. You said that in conformity with the Camp Commandant's Order they were sent to STANLEY PRISON, do you mean by that 'your order'?
- A. That is correct.

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CROSS-EXAMINATION -- Col FUKUNAGA (ACCUSED) Cont.

- Q. Will you consult your POW Punishment Law of 9th March 1943, or any other law which you might have and show your authority for sending prisoners to prison for not signing a parole?
- A. As I said before in the Army Transmission it was stated that if a POW refused to sign the oath, he could be temporarily detained in prison until he signed the said oath. According to this order, that was done. About the use of the STALEY PRISON this was done in accordance with the instructions from the Chief of Staff, who based his authority on this transmission.
- Q. You say then that the original transmission differed considerable from the Detailed POW Treatment Regulation dated 29th April 1943, to the extent that it sanctioned punishment, whereas the final regulation says nothing about punishment at all, is that your evidence?
- A. That is a regulation; a regulation is different from a transmission -- in the transmission when it said that POWs could be temporarily detained until they signed the said oath, -- that does not mean a punishment -- they were only to be detained until the oath was signed.
- Q. The POW Punishment Law, which was promulgated approximately a month and a half before the POW Detailed Treatment Regulation, in which the punishment is authorized, says nothing about such punishment?
- A. As I just said -- if POWs refused to sign the oath they could be temporarily detained until they signed the oath -- this was not a punishment and therefore such was not included in the POW Punishment Law.
- Q. I am not arguing about that at all. You have given the Court extracts from the POW Detailed Treatment Regulations -- these are not conclusive; there is something left out or there is some other Article other than Article V. Is there any further Article in that Collection of Regulations which says that if a POW Does not sign he can be confined until he does, that is my question?
- A. No, there is no such regulation here, but in a secret transmission from the War Ministry it stated that ~~the~~ POWs could be temporarily confined.
- Q. Is that secret transmission you are speaking about in Exhibit 2(4) or is it some other document, and if it is some other document, are you in a position to produce it in this Court?
- A. No, it is not a POW Punishment Law -- it was an order and such was done in accordance with this order; at present I have not got this order with me and therefore I cannot produce it.
- Q. Who gave the order, the Governor General?
- A. It was an order that was issued by the War Ministry and was passed through the POW Information Bureau to the Governor General and the Governor General passed the order on to me.
- Q. Are you asking the Court to believe that a regulation was passed enforcing POWs to sign a parole, and the regulation was passed secretly -- do you mean this regulation was given secretly and passed secretly, is that what you are asking the Court to believe?
- A. I wish to have the question divided so that it could be understood more clearly.

The question is repeated in two parts.

- A. That is not correct. The order for making the POWs take the oath is laid down very clearly in Article V by the War Ministry and before this Article was promulgated, a transmission was passed on to me, and in that transmission it was stated that if POWs did not sign the oath certain steps could be taken.

before we sign the oath

Q. There is one point I want to clear -- do you remember that you referred to a report which was made in connection with the shooting of Pte LYLE, CONNOLLY, PRASON, STOPNORTH and DUNE and he admitted he made the report but it was not a true report -- you then applied to produce the report and the translation which has been proved by George Tong. His seal is there, 'FUKUNAGA', and I would like the Japanese document to be put to the witness

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CROSS EXAMINATION -- Col TOKUNAGA (ACCUSED) Cont.

and for him to be asked if that is his seal?

PROSECUTOR: The Court has asked, in accordance with the translation read you from this document, ~~(23)~~ C(5), does that character there read your name 'TOKUNAGA'.

ACCUSED: This is not my seal, I do not know what the characters say.

COURT: Will you ask him if he recognises the Japanese document?

PROSECUTOR: Do you recognize this Japanese document as a copy of the report which you made concerning the deaths of five POWs which you told us previously was false.

ACCUSED: This is not a copy of the report which I made.

COURT: Will you tell the Court what it is?

ACCUSED: I think it might have been the report that was handed to the POW side. This seal is not my seal -- I do not recognise it.

PROSECUTOR: You mean that is the report handed to Lt Col WHITE at the conference you had with him at the end of August 1945?

ACCUSED: I think perhaps it is.

PROSECUTOR: And you agree that that report is false?

ACCUSED: I agree that the report is false.

COURT: Whoever's seal is on it do you know who wrote that report?

ACCUSED: I made this report.

COURT: Would it be right to say that it is substantially, except for minor details, similar to the report which you sent to TOKYO.

ACCUSED: I made this report according to my memory based on the last report and I tried to make it substantially the same as the one I made to Tokyo. Ultimately, the spirit of the report is the same.

The Court is adjourned until 1415 hours.

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33rd DAY's Proceedings.

10 January, 1947. P.M.

At 1400 hrs. on 10 January, the Court re-assemble, pursuant to adjournment; present the same Members as at adjournment.

1st WITNESS FOR THE DEFENCE - Col. TOKUNAGA Isao (Accused)

CROSS EXAMINATION (Contd.)

PROSECUTOR: Mr. FUJITA would like to have GEORGE TONG questioned as to that chop. As far as I am concerned, he made a mistake. I am quite satisfied but it is up to the Court. Mr. FUJITA wants to recall GEORGE TONG to make sure that it is not TOKUNAGA's chop.

DEFENCE: Any time that is convenient will be suitable to me. (As Mr. GEORGE TONG was not immediately available, it was decided that he should be called the next day).

- Q. Will you tell the Court if NIIMORI was a "Sonon" or a "Morin" interpreter?
- A. He was a "Sonon", senior rank, attached to the army.
- Q. As such was he senior in rank to Lt. TANAKA?
- A. He was not senior to Lt. TANAKA.
- Q. Would he then be subject to orders from Lt. TANAKA?
- A. There would be nothing concerning the matter of line of order but if Lt. TANAKA asked NIIMORI to do something he would have to do that.
- Q. Was NIIMORI attached to any particular camp or was he the interpreter at FORWARD St. HQ?
- A. He was interpreter attached to the HQ.
- Q. As such was he under your direct command?
- A. That is correct.
- Q. Do you recall the witnesses who have given evidence concerning the Red Cross representative ZINDEL appearing in SHANSHUIPO and being spoken to by Lt. BARNETT?
- A. I remember.
- Q. Is it true that you were accompanying Mr. ZINDEL on that occasion?
- A. Yes, I was with him.
- Q. Is it true that NIIMORI was with you and Mr. ZINDEL?
- A. That is correct.
- Q. Is it true that at that time Lt. TANAKA was the commander of SHANSHUIPO camp in which the incident took place?
- A. It is true.
- Q. Is it true that Sgt. HARADA was at the time employed at SHANSHUIPO camp?
- A. Yes.
- Q. You have denied that a request was made by the POW medical officers for a horse in order to make diphtheria serum. Did you yourself ever discuss with your medical officer, the Accused SAITO, how serum could be produced?
- A. No.

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- Q. Did it not occur to you when serum could not be procured that you might be able to make it yourself?
- A. At that time I did not know how serum could be made.
- Q. That is not my question. I asked you if you ever considered yourself whether or not serum could be made.
- A. As I have no medical knowledge I did not know at that time how serum could be made.
- Q. I understand you did not know how it could be made; until a few days ago I did not know how it was made either. What I have asked you was: did you ever make any inquiries to find out how it could be made? Please answer that question.
- A. I did not make any inquiries into the ways of making serum.
- Q. During the months of July, August, September and October 1942, we have had evidence here to show that diphtheria was a very serious epidemic. Do you agree it was serious?
- A. I agree with you.
- Q. You gave evidence some time ago to the effect that it was not true that oatmeal contained in Red Cross parcels was fed to the race course ponies at HAPPY VALLEY. Do you agree that those race course ponies were in HAPPY VALLEY in 1942?
- A. I do know that some horses were in HAPPY VALLEY.
- Q. Were they there in 1942?
- A. I do not know when the horses were there but races were carried out at HAPPY VALLEY. Therefore I knew that some horses were there.
- Q. The point I am trying to make is whether or not the horses were there in 1942. To your knowledge were there horses in HONG KONG during the year 1942?
- A. I knew there were some horses in HONG KONG.
- Q. You have admitted that the POWs who remained in camp were punished for the escape of some of their numbers (page 441). You said that the punishment consisted in stopping of canteen and parcels from the outside. Will you tell the Court now under what regulation that punishment was inflicted?
- A. I did that in accordance with the order of the Chief of Staff.
- Q. You have told us that before. I want to know if there was a regulation which allowed that punishment to be inflicted.
- A. There is no such regulation but this was an order and it was done in accordance with the order.
- Q. You have told the Court that there was a regulation to the effect that a POW could not speak to an outsider without permission and that that was why BAPTIST was not allowed to speak to Mr. ZIEDEL when he came to camp. Will you show us that regulation?
- A. Under "Interviews" there is such a regulation. (Indicating book). The 11th article of POW Detailed Treatment Regulation. I do not think this was translated.

(The Interpreter was instructed to read the regulation in Japanese and then to translate it.)

INTERVIEWER: Permission from the Camp Commit. shall be necessary when a person wishes to enter a POW Camp. However, in the case of a foreigner the permission of the Minister of War shall be necessary. Notwithstanding, the before-mentioned rule about the foreigner, the Camp Commit. shall give permission of interviews to families, etc. outside of JAPAN Proper, in accordance with the regulation set down by the Chief Administrator of the POW Camp.

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Col. WHITE.

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- Q. And did you interpret that rule to mean a POW could not speak to a Red Cross representative in the camp?
- A. In "interview" it means to speak to a person; therefore I took the rule as that.
- Q. And does not the rule that you quoted say that the Camp Commandant could give the consent?
- A. It says the Governor-General.
- Q. Therefore you say you could not allow a POW to speak to the Red Cross representative? Is that right?
- A. What I meant was that I could not let POWs freely, on their own, talk to the representative. If the procedure had been taken that might have been possible.
- Q. Why could you not do so?
- A. When a POW wished to speak to somebody, i.e. to the Red Cross representative, there was a procedure to be taken, i.e. first such an application must be made through the POW representative.
- Q. And after it had been made through the representative, where did it go? Did the POW representative take it to you or to the Governor-General?
- A. We would bring the request to me.
- Q. How many requests of that kind did you get?
- A. Three or four times.
- Q. And what did you do about the requests?
- A. There were occasions when the POW representative spoke with the Red Cross representative in my presence.
- Q. That is not the question I asked you. I would appreciate it if you would answer my question. I asked you what you did about the requests that were made through the POW representative to speak to Mr. ZIEDEL. Please answer that.
- A. They were allowed to speak.
- Q. Who by?
- A. Permission was granted by the Governor-General. If such a Red Cross representative as Mr. ZIEDEL wished to visit the POW camp, he would first of all apply to the War Ministry and if the War Ministry gave consent, this consent would be passed through the Governor-General to the Red Cross representative.
- Q. We do not want to hear about Mr. ZIEDEL's asking - it is not relevant. Please answer my questions and we will get through faster. On the occasion that Mr. ZIEDEL was present and Lt. BARNETT spoke to him, why did you not go to the Governor-General then and ask permission for BARNETT to speak to him? You were there and BARNETT was there to translate.
- A. Lt. BARNETT was not the POW representative.
- Q. Lt. BARNETT most obviously wanted to speak to ZIEDEL. You were there; why did you not get permission for him to speak? That is my question.
- A. As I just said, Lt. BARNETT was not the POW representative. I tried to explain to you but you stopped me.
- Q. I understand who the POW representative was. You can tell me your own words and it is all right. Who was the POW representative?
- A. Lt.-Col. WHITE.

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Col. KERR.

- Q. Who was the POW representative in SIAI WID at that time?
 A. SIAI WID was divided into officers' camp and other ranks camp. Lt.-Col. WHITE was the POW representative of the officers' camp and Major KERR was representative of the other ranks' camp.
- Q. Was Lt.-Col. WHITE there at the time that BARRETT tried to speak to ZIEDEL?
 A. He was at the end of the procession; he was there.
- Q. Why was he not asked what BARRETT wanted to say to ZIEDEL in your mind to go through him first?
 A. On such occasions if it was necessary to speak to the Red Cross representative, this would be done through the POW representative and if there was occasion to speak to the Red Cross representative at that time this should have been done through Lt.-Col. WHITE. When the POW representative does not speak to the Red Cross representative then nobody else is allowed to speak to the Red Cross representative.
- Q. How could Lt. BARRETT tell the POW representative that he wanted to speak to Mr. ZIEDEL when Lt. BARRETT was in one end of the procession and Lt.-Col. WHITE at the other end?
 A. When Mr. ZIEDEL would visit the camp, this would be told to the POWs before and they would have ample time to ask the POW representative to say anything to Mr. ZIEDEL.
- Q. Do you mean then that every complaint had to be thought of before the inspection?
 A. That is correct.
- Q. Why did you tell Major KERR that he must not answer the Red Cross representative?
 A. I did not tell Col. KERR such a thing.
- Q. Col. KERR told us in Court that when he was acting as interpreter he was instructed by the Japanese to translate the question put by Mr. ZIEDEL, but not to answer it. Now, you say that he could have answered it if he wished to?
 A. The first point I wish to answer is that Col. KERR was ~~informed~~ never used as interpreter at the time of a visit of the Red Cross representative. Also, Col. KERR's Japanese was not adequate. There were efficient Japanese interpreters attached to the POW camp and these were used on such occasions. By that I think you will be able to clearly understand.
- Q. Yes, very clearly. Now, will you agree that it was about as difficult for a POW to speak to a Red Cross representative, according to the statement you have just made?
 A. If this was done through the POW representative it would be very easy.
- Q. Do you agree that you did not make it any simpler yourself or made no attempt to make it simpler?
 A. Such was not permitted and I did everything that was within my authority, i.e. according to the regulations.
- Q. Just what one thing did you do to help the POWs speak to the Red Cross representative? Just tell us one thing.
 A. I observed the regulation; no special steps were taken.
- Q. Now, in regard to punishment, mass punishment, you said that it was illegal to cut rations. How was it then that you carried out an illegal order to cut rations given to you by the Governor-General?
 A. According to the regulations it says "when necessary" rations can be cut, but I did not find it necessary so rations were never cut.

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Col. FONTANA.

- Q. You say rations were not cut?
 A. I never gave an order to have rations cut.
- Q. This is what you told us, "After the first cases of escapes the Chief of Staff ordered me to close down the canteen, stop parcels from coming in from outside, use collective punishments, cut the rations, but I never myself cut the rations." Do you mean now that when that order was given ~~that~~ you deliberately disobeyed it?
- A. It is said clearly in Court that when necessary rations should be cut. According to what was interpreted to me the words "when necessary" seem to be omitted. At that time I clearly said said "when necessary" rations could be cut. I would like to explain the order that the Chief of Staff gave me at that time more fully.
- Q. Just before you explain, is it true that the Chief of Staff gave you an order to cut the rations as you have said previously?
- A. The Chief of Staff said at that time "when necessary" rations could be cut. I tried to explain that to you now but you stop me. The Chief of Staff told me at that time to stop the canteen, to stop personal parcels sent in and, if necessary, to cut the ration. These 3 things he told me.
- Q. And did you cut the rations?
- A. I have not finished my explanation.
- Q. Make your speech then.
- A. About the words, "if necessary" I wish to explain now something about an order. If an order is given by a superior it is laid down that the subordinate could express his opinion against the order. Sometimes the opinion of the subordinate would be acknowledged by the superior, sometimes it would not be, and the order compulsorily enforced...
- PROSECUTOR: If the Court wishes to hear all this I have no objection.
- COURT: To cut all this short, does the witness mean that the Chief of Staff left him a discretion as to whether the rations must be cut or not.
- A. That is correct. The Chief of Staff left that to my discretion. I gave my opinion to the Chief of Staff saying that cutting rations was in violation of International Law. By doing so it would cause great hardship to the POWs. Therefore the Chief of Staff said "if necessary" rations could be cut. But I did not cut the rations myself.
- COURT: Therefore, acting in that discretion, you did not cut the rations. Is that what you want to tell the Court?
- A. That is correct.
- Q. At the time he gave you this discretionary power he was reprimanding you, do you agree?
- A. At the time when I was giving my opinion stating about International Law, the Chief of Staff did not have an agreeable face but he was giving the order and had to think about his position. Therefore he said "if necessary" rations could be cut, to uphold his position.

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COURT: I do not think the witness quite anticipated the question. Is it not a fact that when you went for that interview with the Chief of Staff it was because POW's had escaped and the Chief of Staff blamed you at the time and was angry because POW's had escaped - before you had this conversation about cutting rations. Did you not go there because the Chief of Staff sent for you to speak about POW escapes?

A. I went to the Chief of Staff on my own.

COURT: When you went there, was the question of escaping of POW's discussed? Did the Chief of Staff speak about it on that occasion?

A. That is correct, he gave me instructions.

COURT: Was the Chief of Staff annoyed or angry because POW's had been escaping and did he blame you for it?

A. It was the first case and he was not so very angry at the time.

Q. That again is not in accordance with what you have told us before. Here is part of this evidence that you are speaking of now, concerning the 4 Canadian escapees in August 1942.

A. That is not correct. The occasion I now speak of was the occasion of the first escape, i.e. some time in February or March, 1942.

Q. The occasion I am speaking about is the occasion of the 4 escapees in August 1942, and in discussing that you said the Chief of Staff reprimanded you and a moment ago you told the President of the Court it was not on that occasion, it was the first occasion. Which one are you talking about?

A. In answer to the question put by the President I said at that time the Chief of Staff did not seem very angry, but on the occasion concerning the 4 Canadians he was very angry.

Q. And it was at that time, was it not, that he told you that you had discretion to cut the rations. He gave you discretion although he was very angry with you?

A. He did not on that occasion.

Q. He did not give you discretion on that occasion?

A. The Chief of Staff told me on the first occasion about this. On that occasion he did not speak of the matter.

Q. Then I have to read all this to you and you have either to admit now you are telling the truth and on the other time you were not telling the truth, or that you are now telling falsehoods and previously telling the truth. I will have to read the 4 paragraphs to you. This is your evidence according to the Transcript, page 443. "A while back you said that the 4 escapees were executed . . . I never myself cut the rations." Tell us on which occasion he did not give you discretion to cut the rations.

A. As it says here, after the first cases of escapes the Chief of Staff gave me the discretion. Therefore what I have just stated in Court is exactly the same as my evidence.

Q. Did he give you discretion at the time the 4 Canadians escaped?

A. After the first case of escape, the Chief of Staff gave me the discretion to cut rations or not. But at that time I made up my mind that I would not cut rations of the POW's. Therefore, on the occasions of other escapes it was not necessary for me to decide whether I would cut rations or not.

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- Q. Then your answer is that at the time of the Canadian escape you were still given discretion? Is that so?
- A. As I just said, it was not necessary for me to decide at that time whether I would cut the rations or not. It was not necessary for me because I had decided already that I would not cut rations of the POWs.

PROSECUTOR: I do not want to weary the Court any longer with this line; what I am trying to get at is whether or not a new order was issued at the time of the 4 Canadians.

- Q. After the 4 Canadians escaped was a fresh order given to you in regard to collective punishments?
- A. The order given to me by the Chief of Staff concerning collective punishments was only made after the first occasion of escape.
- Q. Perhaps you will explain what you mean when you said, "After each occasion of escape the Chief of Staff would reprimand and instruct me as Camp Comdt."?
- A. About reprimanding, there is always a degree of reprimand; sometimes it would be very strong, sometimes weak.
- Q. That is your explanation, is it?
- A. If escapes happened, nobody would be happy, therefore everybody would be cross with me.
- Q. Is that your explanation or have you some further irrelevancy to offer us?
- A. Your question was whether the Chief of Staff reprimanded me after each occasion, and I answered that he did.

PROSECUTOR: The point I am trying to clarify is whether he received only one set of instructions, no, as I understood, he said "Yes" and now he says, "Yes, I received it each time."

COURT: He said he received instructions, we do not know what they were. He has told the Court only once he was given an order about collective punishments. The instructions might have been on other matters. Would you ask witness what instructions were given to him?

- Q. After each escape then, and particularly after the escape of the 4 Canadians, what instructions were given you?
- A. Do you mean after the Canadian escape?
- Q. I mean in relation to what you just told us, what were your instructions after each escape?
- A. After the first escape there were instructions to give the POWs collective punishment. After the second escape, I was instructed to inform the POWs that if they attempted to escape again they would be shot. After the next occasion of escape, even though the former precautions were being carried out, POWs were still escaping and soldiers from other units were called to build an electrified barbed wire around the camp. After the electrified fence was built some POWs escaped and because of this, although all precautions were carried out, I was punished. At that time, the transmission about the oath not to escape was received from the War Ministry and orders were taken. After each occasion of escape in this matter I was encouraged to take steps in preventing POWs from escaping. In accordance with these instructions, I did my work. Even though these precautions were carried out, the Canadian POWs were able to escape and, as I explained before, they were executed in accordance with the order of the Chief of Staff.

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- Q. You have stated that in the case of roll-calls, if the weather was bad they were taken inside the huts. Are you prepared to say there was never an occasion in the 3 1/2 years in any one of the camps when troops were kept outside 3, 4 or more hours during which time it rained most, if not all, of the time?
- A. I cannot say that; there might have been an occasion.
- Q. Are you able to say definitely that on no occasion during the time of the imprisonment in any one of the camps a POW was taken out on these parades on a stretcher?
- A. I have no knowledge of the fact that patients were carried out to the roll call on a stretcher.
- Q. You have said that POWs were allowed to go home for compassionate reasons, financial reasons or if relations were going back on an exchange ship. Will you tell the Court now the name of just one POW who was allowed to go home to arrange his financial affairs?
- A. I do not remember the name; there might be some people that remember the name but I do not.
- Q. Do you remember the name of just one POW who was allowed to go home for compassionate reasons?
- A. I do not remember clearly.

At 1600 hrs. the Court adjourn till 1000 hrs. on Saturday, 11 January, 1947.

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NO. 5 WAR CRIMES COURT.

34TH DAY'S Proceedings of the Trial of Col. TOKUNAGA Isao,
Capt. SAITO Shunkichi, Lt. TANAKA Hitoshi, Interpreter TSUTADA
Itsuo, Sgt. HARADA Sotaro.

(Held at Jardine Matheson's East Point Godown.)

The Contingent 20

On Saturday, 11 January, 1946, at 1000 hrs.

1ST WITNESS FOR THE DEFENCE - Col. TOKUNAGA Isao (contd.)

CROSS EXAMINATION (Contd.)

- Q. You have told us in regard to the unloading of Red Cross parcels from 3 vessels, the AWA Maru, the KAMAKURA Maru and the TEIA Maru. Were you present at the unloading of any one of the 3 ships?
- A. No.
- Q. Just to be certain, do you mean you were not present at the unloading of the AWA Maru?
- A. I was not.
- Q. Were you present at the unloading of the KAMAKURA Maru?
- A. No.
- Q. Were you present at the unloading of the TEIA Maru?
- A. No.
- Q. You say that 2 boxes containing articles were short in the case of the TEIA Maru?
- A. In accordance with a report I received from the Interpreter Officer I knew about this.
- Q. Will you tell the Court just what that report was?
- A. The content of the report was that these articles had been unloaded from the ship and stored in the godown and that 2 cases were missing. About this matter it was reported to the sniping unit and also to the POW representative.
- Q. Think carefully, is that all that was in your report about those missing cases?
- A. The report was as such.
- Q. Do I understand then he reported to you that two cases were missing. Nothing further than that?
- A. Also in the report it was included that one or two cases, the contents of which were gymnastic articles such as baseball gloves, bats, etc., were damaged.
- Q. We are not talking about that. In the event that that was all the report said, will you tell the Court how you knew what ~~size~~ size the boxes were. You have told us they were 20 cms. by 30 cms. by I think 30 cms. How did you know they were that size?
- A. When the cases were stored in the godown, it was found out that two cases of personal articles were missing, the same kind as stored in the godown.
- Q. Did you see them?
- A. I only saw the boxes.
- Q. You saw the boxes that were stolen?
- A. I did not see the stolen boxes; I saw boxes the same time as those that were missing.

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Col. TORUZA.

- Q. What were those boxes like?
- A. As I said before the Court, in answer to a question put by the Defence, I explained the boxes, and in the presence of Mr. ZINDEL those boxes were inspected.
- Q. What were in the boxes? I am talking of the boxes that were stolen.
- A. I do not know what were actually in the stolen boxes but I saw boxes same as those that were stolen.
- Q. And is that what you meant when you told the Court yesterday that these boxes contained rations? Is that why you said the boxes contained rations, because not all other boxes in the warehouse?
- A. I thought that the contents were the same as the boxes I saw, that is why I said that.
- Q. When you saw the boxes in the warehouse, in what condition were they?
- A. The boxes were stacked up so they could be counted easily. Mr. ZINDEL and myself were round and inspected the stacked-up boxes. About cases that contained medicine it was labelled on the outside what the contents were and Mr. ZINDEL inspected these boxes closely. Also he inspected the damaged boxes that contained gymnastic articles.
- Q. Were you present when Mr. ZINDEL inspected the boxes?
- A. I inspected the boxes with Mr. ZINDEL.
- Q. How did you inspect them?
- A. As I said just now, they were stacked up so they could be counted easily and we went around and inspected the stacked-up boxes.
- Q. I am speaking of the two boxes that were missing. You say you saw some boxes in the warehouse that were like those missing. I want you to be sure of that. Those are the boxes I am talking about.
- A. The contents of the same boxes that were missing they were pulled out of the boxes in the middle and at the bottom and after they were pulled out, they were brought to the office and in the presence of the Intendance Officer, the POW representative, Mr. ZINDEL and myself the contents were opened. Do you wish to hear what I saw after the contents were opened?
- Q. I want to know if you and Mr. ZINDEL were present when the boxes were opened.
- A. I was present and also Mr. ZINDEL, so - am trying to explain what happened at that time.
- Q. You were present when the boxes were opened and then the contents were taken out and taken to your office? Is that right?
- A. I am trying to explain that the contents of 2 boxes were taken out and brought to the office and, in the presence of Mr. ZINDEL they were opened.
- Q. That is not my question. You have already stated the contents were taken out. You are confusing the issue whether or not you were present when the contents were taken out. Were you there when the boxes were actually opened and the contents taken out?

MONITOR: He took the 2 boxes from the store and these were brought to the office room where they were opened in the presence of Col. TORUZA, and ZINDEL.

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Col. TUNER.

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INTERPRETER: We took the contents in a bag and brought them, not the boxes themselves.

- Q. What I want to know is, when the boxes were opened with the contents, were you there or not?
- A. I am trying to explain that the contents of the boxes were taken out in my presence and also in the presence of the POW representative, Mr. ZIL DEL, also some POWs who did the actual work.

COURT: When Col. TUNER made that answer, did he say to where the bag was taken? How do you know anything about the contents being put in a bag? Who said anything about the contents being put in a bag?

INTERPRETER: The witness was saying when the contents were taken out they were in a bag and the bag was pulled out.

COURT: You did not translate that originally?

INTERPRETER: I am sorry, Sir.

- Q. What I want to know is this: The bags were opened, the contents was taken out and transferred to his office. Now I want to know if he was present when the contents were taken out and during the time they were transferred. In other words, were the contents that were taken out the contents that he saw in his office?

COURT: In the warehouse when the goods were taken out, what were the goods in?

- A. As I said before, the articles were in a canvas container.

- Q. What happened to that canvas container? What was done to it?
- A. This canvas container looked like a sort of ~~flour~~ flour bag and this bag was carried by one of the POWs to the office.

COURT: When it was carried to the office, did you go with it at the same time?

- A. I and the rest of the inspection group went with the POW who carried the bag to the office.

COURT: When you got to the office, what happened there?

- A. In this bag when it was opened...

COURT: I am not asking what was in the bag. You have said the bag was opened. Were you there when the bag was opened?

- A. I was present.

- Q. The bag was opened and what was in the bag?

- A. Powdered milk was contained in the bag (6" high tin). Also some chocolates, flat slabs about 3" x 4".

COURT: The powdered milk, was it in tins or containers?

- A. It was in cans. There was some cheese in a 2 oz can. Some canned beef, some corned beef (without tin), also one man ration of tea and sugar, also some canned fruit or tomato. It was a sort of personal food ration for one man. Also in this bag there were 4 or 5 such personal food rations in a cardboard box. There were 4 or 5 cardboard boxes little bigger than this dictionary (6" x 4" x 4") and these various foodstuffs were put in the cardboard box and stuffed with paper so they would not break. The cover of the box was a little bigger than the container and put on from the top. The corners of these boxes were somewhat broken. Also the canvas container was quite damaged because of the rain and because of this some of the chocolate inside was very bad. Two canvas bags were brought to the office and the other canvas bag was opened. When this second canvas bag was opened,

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A.(Ctd.) the second or third cardboard box was quite destroyed and it seemed that some of the contents were missing.

QWERT: Were the contents of this second canvas bag the same as the first one you have described?

A. Exactly the same. Also some of the contents were the same as the contents that came on the KAMAKURA Maru. Also Mr. ZILDE and myself were in very much doubt because we did not know why the contents of this lot would be the same as the KAMAKURA Maru. Also at that time it did not seem that many boxes were missing; therefore after permission was received from the POW representative two cardboard boxes were given to Mr. ZILDE so that he could know what the contents were. The circumstances at the time of the inspection were as such. Because these cases were transferred over a big distance and because sometimes rain would beat on the cases some of the contents were quite deteriorated.

Q. You have told us that two boxes were found that had sporting goods in them; do you remember that?

A. I did not say that I found two boxes containing sporting goods.

Q. What did you say?

A. I said that boxes containing sporting goods were found broken.

Q. Did you see the boxes that contained the sporting goods?

A. I did.

Q. Will you tell the Court what difference there was between those boxes and the boxes that this bag came out of? I mean in appearance, not that they were broken. Were the boxes differently marked to show they had sporting goods and not food in them?

A. I do not know for sure but the boxes that did contain sporting goods were broken and I did not know whether it had a label on it or not and the box was made of wood. The boxes that contained foodstuffs had a label on.

Q. Were the boxes that contained foodstuffs made of wood?

A. I do not know for sure but there were 4 or 5 cardboard boxes in the canvas bag. There was some sort of label on it but I did not know whether it said "sporting goods" or not.

Q. I am speaking of the box that the canvas bag was taken from.

A. You seem not to understand. These canvas bags were not in boxes; they were piled up in the hold down in stacks.

PROSECUTOR: I may be very mistaken, Sir. I am now been confused about what he said, but his standing was that there were boxes piled up and, in his presence two boxes were removed from that pile and opened and canvas bags taken out. If I am wrong I will like the Court to correct me because now we are getting a different story. This is a story to be tedious about being precise on the points.

Witness: It is the interpreter's mistake. On a few occasions he made mistakes.

WRITER: As far as I know, in the beginning he said "boxes". After my correction he said it was not a box. It gives us the understanding to say that the bag was taken from the box. It gives us that understanding.

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Col. TOKI

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(The Stenographer was asked to read back relevant portions of the foregoing evidence.)

COURT: (To Interpreter) "What is the Japanese word for 'box'?"
A. "Hako".

COURT: For bag or sack?
A. "Fukuro".

COURT: Whenever witness used the word "hako" you have translated as "box"?
A. That is correct.

COURT: I want to get this point quite clear. The contents of these broken boxes which were brought to the office and inspected by witness and Mr. ZIEDEL - were these articles in a canvas bag or container inside the box, or was it because they were broken and lying loose ~~inside the box~~ that they were put in a canvas bag and brought to the office?

PROSECUTOR: Have you got the impression that the boxes that were inspected were broken?

COURT: When witness referred to the contents of these two boxes, were those boxes damaged?
A. I think that the Interpreter is mis-interpreting; therefore I wish to explain the situation myself.

COURT: I want you to answer a perfectly plain question. These articles taken out to be inspected by Mr. ZIEDEL you have told us about on this occasion - were they taken from boxes that had been broken?
A. As I have been trying to explain, I think the Interpreter has made a mistake and therefore everything is so confused. I wish to be permitted to explain the situation.

COURT: Will you tell the witness if there is confusion it is mainly due to the fact that he will not answer a straight question.
Will he tell the Court whether the articles inspected by him and Mr. ZIEDEL were taken out of boxes that were broken or boxes that were not broken? It is a perfectly simple question. ~~Will he~~ answer that first.
A. These rations were not, in the first place, in boxes - they were in canvas bags; they were taken out of a complete bag. There is a mistake about cases and bags, if this is cleared up everything could be understood.

(Stenographer reads previous evidence, answer by witness: "I am trying to explain that the contents of 2 boxes were taken out and brought to the office and, in the presence of Mr. ZIEDEL, they were opened.")

COURT: He has said, "the contents of 2 boxes were taken out". Will you put that to the witness and tell him that is what he said.

A. I did not say "two boxes"; I said "two bags" were brought to the office and the contents of the bags were examined.

COURT: Mr. ZIEDEL, when you translated that answer, did the witness use the word "hako"?
MR. ZIEDEL: I thought he used the word, "hako".

COURT: And the word for bag is "fukuro"?
MR. ZIEDEL: Yes.

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22-5-1944.

COURT: Mr. OHKUBO, there has been a certain amount of discussion as to whether the witness used the word for "box" or "bag". There have been great many questions asked and the witness has on many occasions referred to "boxes". When we came to the point in which he said the goods were taken and brought in - bag, to the office, did he throughout use the Japanese word for "box"?

INTER: I clearly remember the occasion when he gave an answer, soon after I made the correction to say that 2 boxes were taken to the office and opened. In that case he said the "boxes" first and finally the word he said, it was in a "bag". Then only he used the word "fukuro".

COURT: When was the first time he used the word "bag"?

INTER: This is the occasion I remember clearly, but the other occasions I do not remember clearly.

COURT: Capt. KOSILOFF, the Court have gone into this matter at considerable length in order that the Accused shall not suffer any prejudice and I am quite satisfied the Interpreter has been translating correctly and up to a certain time the Accused used the word for "box" and then said the goods were brought to the office in bags. Up to that time he had only been referring to "boxes", nothing else.

SENIOER ASST. DEFENCE: At the beginning witness used "box" - "bako" and never mentioned "bag" - "fukuro". At some point, I do not remember exactly when, he switched on to "bag".

INTERPRETER: I think the witness is using the word "box", but when he explained the size of the box - 20 cms x 30 x 30 I think he referred to the cardboard box that was inside the bag and maybe he is making a confusion.

COURT: That may be so, but will you tell the witness the Court are quite satisfied that there has not in fact been any mis-translation.

A. In that case, if I do not use the word "bako", I wish to have my statement corrected and the word "box" changed to "fukuro - bags". I also wish again to explain the situation so it would be clear.

COURT: To make it quite clear, do you tell the Court that foodstuffs sent in this consignment were contained, some in boxes and some in bags and in one of these bags you found other small cardboard boxes?

A. That is not correct.

COURT: Will you explain it then?

A. All foodstuffs that were sent came in canvas bags. In these canvas bags there were 4 or 5, I do not remember the exact number, personal ration parcels that were in cardboard boxes. These canvas bags were stacked in the godown in piles of 20 or 30 so that they could be easily counted. Medicine, sporting articles, books were all contained in wooden boxes. At the time of the inspection so it could be inspected properly, the bags were pulled out from the stacks of bags, from the centre and one side, i.e. different places, and the contents were inspected.

Q. Is it your evidence then that 2 boxes were stolen, 2 small boxes were stolen from one of these bags?

A. In evidence I used the word "compo", i.e. cases.

INTER: I will use the word "c case" that I translated as "cases". It is one "c case" or one "c case", crate.

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Col. T. T. T. T.

- Q. Now what was stolen, 2 crates, 2 boxes or 2 bags? Yesterday you said, "Later, according to a report I received, 2 boxes containing articles were short in the case of the TEIA Maru". Please tell us whether those were cases, crates, boxes or bags. What I want to establish is what was stolen now.
- A. What I said meant "2 bags", when I used the word "compro" which means "packing" or "package".
- Q. When you said that your own Counsel asked this, "Do you know the contents of the ...?" and you said, "I do. The boxes were 20 cms x 30cms x 80 cms". Do you now say you were describing the size of a bag?
- A. By this I gave the size of the box. When I said "compro" I think the Interpreter made a mistake and he translated that as a "box".
- Q. There was no question of a bag when you were asked the size of the box. You made no mention of the bag then. I ask you now what size were the bags that were stolen?
- A. I do not remember exactly; the size of the bag was 30 cms x 40 cms x 80 cms.
- Q. All that was stolen was 2 bags 30cms x 40cms x 80cms? Am I right in that?
- A. That is correct, in accordance with the report received from Intendant Officer KATO.
- Q. This Red Cross representative, what nationality was he?
- A. Swiss.
- Q. Do you agree SWITZERLAND was a neutral country?
- A. That is correct.
- Q. You admit that this neutral was not allowed to go into the port area in order to see the ship unload?
- A. Because he was a foreigner he was not allowed.
- Q. Therefore you agree that there was a considerable interval from the time the ship was unloaded until Mr. ZHIDEI saw the contents of the cargo?
- A. As I said in Court, it was one or at latest two days after the cargo was unloaded.
- Q. You said that for a short time some articles were kept at HQ under orders to be sent to the POWs who were interned in CAITON. On which ship did those goods come?
- A. Those goods were included in the Red Cross goods that came on the TEIA Maru.
- Q. Where did the goods from the TEIA Maru come from? Were they Canadian, British or International?
- A. I do not remember exactly but I think it was International Red Cross goods.
- Q. What POWs were in CAITON?
- A. Internees.
- Q. British, Canadian, American or Chinese?
- A. Some were Americans; I do not know if any were British. In fact, I do not exactly know what the nationalities were. Those goods were intended for the internees there.
- Q. How were the goods sent from KOWLOO to CAITON?
- A. By train under escort.

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Col. TOWNSEND.

- Q. What was the purpose of sending them by train? Could they not have gone by the TEIYA Maru direct to CAMBODIA?
- A. It could not be afforded to use Japanese shipping in such a way. Therefore it was sent by train.
- Q. Now, what had the purser of the TEIYA Maru to do with the disposal of Red Cross parcels?
- A. I do not know.
- Q. You have told the Court, "the parcels who came with the TEIYA Maru instructed me thus". Before we go any further, what authority had the purser of the TEIYA Maru over you?
- A. He passed on the order of the Chief of the Information Bureau to me.
- Q. How did he know that the medicine and drugs would be used up immediately?
- A. I do not know how he knew. If the drugs are used it is only natural that they would be used up.
- Q. You mean if the drugs were necessary it was only natural they would be used up? If the drugs were needed it was only natural they would be used up?
- A. The meaning is this: if drugs were issued in abundance to the POWs they would use the medicine more than they actually needed. Therefore the medicine was issued only according to necessity.
- Q. And the decision as to what was necessary then was left with you or with Dr. SAITO?
- A. I received such instruction, therefore I left the decision to Dr. SAITO.
- Q. You have told us that some personally addressed articles came on the AWA Maru, some addressed to POWs in HONG KONG, some to those who were in STANLEY Prison, and some to those who had been sent already to JAPAN, and some to those who had been released from STANLEY Prison. You go on to say when you speak of POWs interned you mean internees. Do you mean they are civilian or military internees?
- A. When I used the word "internes" I meant civilians that had been interned.
- Q. Those personally-addressed parcels were the ones, were they not, which were stored in the Chinese building behind the bath house by the guardhouse at the main gate at SHAMSHUIPO?
- A. That is what I mean.
- Q. And that part of the camp was the Other Ranks' part of the camp, was it not?
- A. Yes.
- Q. And you have said that the POW representative was called in regard to these parcels and the articles were divided. Who was the POW representative?
- A. Major BOON.
- Q. In respect to the keeping of the Red Cross parcels while they were in KOWLOON, who was responsible for their safe keeping?
- A. Up to the time such goods would be distributed, the responsibility would be that of Intendant Officer SATO.
- Q. Who in turn was under you, is that correct?
- A. That is correct.

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Col. A. A. A.

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- Q. Then, will you tell the Court how it was you kept goods in godowns which you could not guarantee against theft, instead of distributing them immediately?
- A. There is no place that can be absolutely guaranteed against theft. Goods were distributed immediately and for the goods that it was not possible to do so, only those goods were kept.
- Q. You will understand if you turned over the foodstuffs to the POWs it would then have been their responsibility?
- A. Foodstuff was immediately distributed to the POWs, also parcels that must be distributed were distributed and only parcels that the receiver went to JAPAL, those were the only ones that were kept.
- Q. You have said that if the guards did their duty at the godown there would not be any danger about robbery. Do you mean by that that the guards were guilty of stealing, your guards under your command?
- A. That is not correct; there is no telling who would do the robbery: maybe guards under my command or maybe some of the POWs would do the robbery.
- Q. Will you tell the Court how a POW could rob or steal anything from Gun Club Hill?
- A. In the case of Gun Club the POWs could not do the robbing but in the case of AMALSIUPO they could.
- Q. You told the Court that when parcels were sent in locally there were certain limitations among those foodstuffs which were thought to be detrimental to the health of the POWs. Who would determine that the food stuff was detrimental to the health of the POWs?
- A. The person in charge when the parcels would be brought, i.e. the commander in charge of the camp, if he was in charge at that time, or the Interpreter who would be in charge of the examination at that time.
- Q. What was the standard by which he judged the food to be detrimental to the health of the personnel involved?
- A. From his common sense.
- Q. Will you give us an instance of food which was detrimental or determined to be detrimental to the health of POWs?
- A. Rotten canned fruits, food that had been cooked for a long time and such if it smelt.
- Q. Are you suggesting to the Court that the friends of the POWs, outside the camp of prisoners inside, would take the trouble of bringing rotten food and rotten fruit?
- A. In cases if it was found that such food was rotten it would be prohibited. I have explained before that friends outside of the POW camp knew for a long time after the first occasion that goods would be prohibited.
- Q. Are you telling the Court you went to the trouble of telling friends of POWs that they had better not bring any rotten fruit to the camp?
- A. At the beginning it was informed to the senders that such bad food would not be allowed and the senders would consult between themselves about the things that would be allowed to be sent into the camp and they would use common sense.
- Q. Will you tell the Court how what was the purpose of restricting the entry of tobacco into the camp?
- A. There was an occasion when a secret message was found inside of the tobacco and in accordance with instructions issued by the Governor-General, tobacco was strictly prohibited.

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- Q. Are you telling the Court now ~~there~~ was only in tobacco that secret messages were found?
- A. Also sometimes on the paper wrapping of canned food.
- Q. Was canned food then prohibited too?
- A. Always the paper wrapping of the canned food would be taken off.
- Q. Do you agree then that if one had sent tobacco with no wrapping on, that no message could be passed?
- A. In that case it would be very inconvenient because tobacco was not allowed; it was not permitted.
- Q. When the local Red Cross sent in articles to you, did they include medicine?
- A. No medicine was included.
- Q. Do you know why? Was it because you prohibited medicine from coming in from the local Red Cross?
- A. I thought you meant tobacco. Medicine was sent from the local representative.
- Q. And from what you told us the other day, as soon as it was sent it was distributed. Do you recall that?
- A. Yes, it was immediately distributed.
- Q. Was not that a contradiction of the instructions you got through the purser of the TEIA Maru?
- A. You asked if the medicine was distributed immediately after it was received from the local Red Cross representative and I said yes. That is different from the case of the TEIA Maru where the medicine was distributed in accordance with instruction.
- Q. In regard to the canteen you stated the Japanese camp staff had supervision over this canteen and it was operated like this according to agreement by the POWs; "the Japanese side would purchase locally from outside and later on I was ordered to limit the sales in the canteen. So, in this manner the canteen was supervised by the Japanese side." Do you remember that?
- A. I said that canteen was supervised by the Japanese; I did not say that the Japanese bought the goods. I said that the POWs bought the goods themselves but only the Japanese helped in the buying of the goods.
- Q. How did the Japanese help them in buying the goods?
- A. The POWs would state what they wanted and how much. This list would be given to the Governor-General and after his approval a merchant appointed by myself would bring the articles and the POWs would buy the articles from this merchant.
- Q. Who would pay the merchant?
- A. The POW in charge of the canteen.
- Q. When did Lt. TAMURA go to the Governor-General's office to try to get tobacco as cheaply as possible?
- A. May or June 1944.
- Q. Do you recall that Col. HOME wrote you a letter in 1942 asking that tobacco be purchased and supplied to the canteen?
- A. I remember receiving a letter but I do not know if it mentioned tobacco or not.

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C. L. TANIWA.

- C. I can assure you that it did. I would ask you why it took you two years to have TANIWA go to the Governor-General to make inquiries.
- A. When I was interrogated at STANLEY Prison, a typewritten letter dated 9 January, 1942, addressed to L. TANIWA was shown to me. At that time I was not even in HONG KONG and even though I was not the Camp Commandant, however such a typewritten letter dated 9 January 1942 was shown to me. I was interrogated about it but told them I was not even in HONG KONG at that time and also I was not the Camp Commandant at that time. Therefore the interrogation about this letter was stopped. I know of a letter, the date corrected. This letter affidavit may be that letter that the Prosecuting Counsel is talking about, is the same as this one. After the canteen was opened, tobacco was continually being brought into the canteen. The price of tobacco gradually rose and at that time for a package of 10 cigarettes it cost 15 Yen. Because the POWs could not pay so much for a packet of cigarettes I asked Lt. TANIWA to see if he could get cigarettes cheaply. I tried in this way, the best I could do in procuring tobacco.

At 1230 hrs. the Court adjourn until 1000 hrs.
Monday, 13 January, 1947.

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NO. 5 WAR CRIMES COURT.

35TH DAY'S Proceedings of the Trial of Col. TOKUNAGA Isao,
Capt. SAITO Shunkichi, Lt. TANAKA Hitoshi, Interpreter TSUTADA
Itsuo and Sgt. HARADA Motaro.

(Held at J. Ardine Matheson's East Point Courtroom)
The Courtroom is on the
13 January, 1947, at 10:00 hrs.

Court REC

By request of Defence Counsel, the Court recall witness GEORGE TONG.

COURT: Will you remember that you are still on your original
 oath.

DEFENCE: Will you please look again at the Japanese characters
 on Exhibit C(5), on the right hand side of the Japanese
 document and tell the Court what it means?

A. It seems to me that this red chop here is TOKUNAGA's:
 I do not know if it is this TOKUNAGA or another one.
 In this document it is very blurred but I have seen
 other similar documents in which the chop appears more
 clearly and the shape and type of the characters in
 these documents were the same. Therefore I took it that
 they were the same chop.

COURT: What it comes to is this: as far as you can tell, you
 know that the Japanese seal on Exhibit C(5) gives the
 character "TOKUNAGA" but you are not prepared to say
 whether it was Col. TOKUNAGA's seal?

A. I am not in a position to identify this as Col. TOKUNAGA's
 seal but it bears TOKUNAGA's name. I do not know
 whether it is Col. TOKUNAGA or another TOKUNAGA.

COURT: Will you look at this seal? ^{REC} (showing the witness
 the seal which is on Exhibit B(2)).

A. From this is rather a little more clear chop I can be
 more sure that this is TOKUNAGA's.

COURT: The characters are "TOKUNAGA" but you do not know
 whether it was Col. TOKUNAGA's or of someone else by
 the same name?

A. That is so.

DEFENCE: After comparing Exhibit B(2) with C(5), did you find
 that the seal on C(5) was more blurred than the seal
 on B(2) and you had difficulty in finding the seal on
 C(5) form the name "TOKUNAGA"?

A. Yes, the chop in C(5) is more blurred than that on B(2).

(No more questions by the Defence or Prosecution REC)

1ST WITNESS FOR THE DEFENCE - Col. TOKUNAGA Isao (accused)

Cross Examination (Continued.) Witness is reminded that he is
 still bound by his original declaration.

Q. Do you recall a civilian whose name was ABE who was in charge
 of Red Cross stores at Gun Club Hill?

A. I remember him.

Q. Was he also employed at H. D. Street at times?

A. ABE did duty at H. D. St. 14.

Q. When did he arrive in KUALA LUMPUR?

A. I do not remember clearly but I think it was some time in
 April or May, 1942.

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Col. T. H. H. H.

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- Q. Where had he come from?
 A. From FUKUOKA, in accordance with an order to the Western army district in JAPAN, as a supplementary employee to the POW camp.
- Q. Do you know what he had been doing before he was sent as a supplementary employee of the POW camp? What was he doing in civilian life?
 A. I do not know for sure.
- Q. Were you present when he arrived in KUMI?
 A. I was.
- Q. Did you interview him when he first reported at FUKUOKA St.?
 A. Yes.
- Q. Was he dressed as well as a prosperous Japanese business man would be dressed?
 A. He wore the national civilian uniform of JAPAN, and all such people that came from JAPAN wore the same uniform and it was in very good condition.
- Q. How long did he remain employed by you?
 A. I do not remember clearly but I think it was until March 1944.
- Q. What did he do after that?
 A. After that he stayed in KIG and acted as supply merchant to the Governor-General and other units. That is what I heard.
- Q. While he was with you, was it his job to see that Red Cross parcels were stored and were issued?
 A. I do not know for sure as ABC was attached to the Intendant Section and he worked under the orders of Intendant Officer KATO.
- Q. That is under the Intendant Officer who was under your command, is that not so?
 A. That is correct.
- Q. As an army supply contractor, would he be required to set himself up in business, or would the army supply him the ~~xxxxxx~~ capital?
 A. I do not know.
- Q. How were the eggs disposed of that were hatched in the POW poultry camp?
 A. As I remember it, part of the eggs were given to the patients and the remaining part were sold in the canteen.
- Q. What was the comparative price of eggs sold in the canteen and those sold in the market in town?
 A. Of course the eggs sold in the canteen were much cheaper than outside, but I do not know the prices because POWs themselves sold the eggs.
- Q. Will you explain to the Court how it was that the Japanese personnel used to buy eggs at the POW canteen?
 A. I do not know of any instances when eggs were bought by the Japanese employees at the POW canteen. As I understand it, the Japanese had a canteen of their own and they would buy what they required from their own canteen.
- Q. Were there eggs supplied in that canteen?
 A. There were no eggs in the Japanese canteen, but as I said before, the Japanese had their own canteen and would buy things from that canteen.

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Col. T. J. A.

Q. Were the Japanese personnel permitted to buy goods from the P.O. canteen?

A. That was not permitted.

Q. You told the court that in regard to personal parcels of the Canadians that you did take some of them out of the camp. You brought out some of the parcels with the intention of taking them to persons who were released from the internment camp at the H.Q. side. Will you please tell the Court if that is correct?

A. As I said before, the personally addressed parcels for the Canadians contained some that were addressed to persons that had been released in the city and those parcels were taken out and distributed to the people that were released.

Q. Who were those people who were released in the city, were they Canadians?

A. I do not know whether they were Canadians but I asked Mr. ZIDEL to find out where they lived and gave him a list of the names and a day was decided on and parcels were distributed.

Q. Will you tell the Court what Canadians were dismissed from any one of the camps under your control and allowed to take up residence in the city?

A. After I took over the POW camps, no Canadians or other persons were released but before I took over, at the time when the Foreign Department of the Governor-General was in control of POWs and internees, I heard that many POWs and internees were released.

Q. Did you hear that a single Canadian was released at any time?

A. I do not know.

Q. Do you tell the Court that some of these Canadian addressed parcels were addressed to people who were not Canadians but released into H.Q. side?

A. I do not know whether they were some Canadians or not but inside of the parcels addressed to the Canadians there were some, and after inspection and after consulting with the POWs it was found out that some of the parcels were not addressed to people inside the camp but to people that had been released in the city; ~~but~~ I did not know the nationality of the people that were released but there were parcels addressed to people who had been released.

Q. You have told the Court that you gave Mr. ZIDEL a list of these people. Have you asked Mr. ZIDEL to confirm this fact either by affidavit or by evidence here in Court?

A. I did not receive a list from Mr. ZIDEL but I gave him a list and when the goods were distributed receipts were received.

Q. Please answer the question I asked you. (Above question repeated by State counsel).

A. I did not ask Mr. ZIDEL to do that for me but what I asked him was as addresses of the people were not known, I asked him to find out where they lived and asked him to go and get the parcels.

Q. You said there were some parcels addressed to persons who were interned in CHINA prison. Were those parcels to Canadian persons or was this a different matter?

A. Addressed to the Japanese - by that I mean parcels addressed parcels were sent to the Canadians.

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Col. TONTAK.

- Q. "We are now talking about removing the parcels from among those which were sent personally to the Canadians. They were stored in the Chinese houses behind the main gate of CHANGSHIHO. These are the parcels I am speaking of and now I am asking you if some of them were addressed to the Canadians who were in STANLEY Prison."
- A. "There were many."
- Q. "And Canadians in STANLEY Prison?"
- A. "In STANLEY Prison there were not many Canadians but not all of the personally addressed Canadian parcels were addressed only to Canadians; some were addressed to persons that were not Canadian citizens and there were many parcels that were addressed to persons in STANLEY Internment Camp."
- A. "At the time you took these parcels from SHALSHIHO camp, it is true, is it not, that there was not a single Canadian in STANLEY Prison?"
- Q. "The only Canadians in STANLEY Prison were the ones in 1942 who disobeyed the order to give parole and one other man."
- A. "You mean about STANLEY Prison? As I do not understand I wish to have the question repeated."
- Q. "I ask you then is it true that there were no Canadians in STANLEY Prison at the time you took these parcels from SHALSHIHO. There was one Canadian but in STANLEY Prison at the time of the parole, when he was asked for it, and one other Canadian but there."
- A. "By 'STANLEY', I mean STANLEY Internment Camp, not the prison."
- Q. "That is not what you said when you gave your evidence. You said, 'There were some parcels which were addressed to people who were interned in STANLEY Prison. So I took these out to have them sent to STANLEY Prison'. Do not let us get confused about that."
- A. "That is not correct. When I said 'STANLEY' I did not say 'STANLEY Prison' I said STANLEY Internment camp. That is what I meant when I said 'STANLEY'."
- PROSECUTOR: It is Page 454 of the record, Sir. The question and answer 3rd from the bottom, 4th line from the bottom of the paragraph.
- COLT: He says now when he said that he meant STANLEY Internment Camp.
- PROSECUTOR: May he be asked if he also meant STANLEY Internment Camp when he said, "By that I mean the persons who were released from STANLEY Prison to KUNMING city", 4 lines above.
- A. "That I meant there was those that were released from STANLEY Internment Camp. If I say 'Prison' I would say the word 'Prison' clearly."
- Q. "Just what Canadians were released from STANLEY Internment Camp to the city of KUNMING?"
- A. "When I was in charge of STANLEY Internment Camp there were no persons released from the camp, but before I became in charge of the camp, when the camp was under the control of the Foreign Affairs Section of the Governor-General, I heard that some civilians were released but I do not know what their nationality was."
- Q. "Now, at CHANGSHIHO who was the PCW representative who saw the Red Cross parcels taken?"
- A. "Major Pratt. Besides him there were 7 or 8 other British personnel."

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CONFIDENTIAL.

Q. In answer to a question as to how it was that Red Cross food-stuffs were found in your house you said you had been given them by a POW representative. Who was that POW representative?

A. Major BOD.

Q. When Major BOD gave you that food, did it occur to you that you were taking food which belonged to the POWs, who, as you admitted yourself, needed it?

A. When I received the articles I didn't to see what sort of articles they were. In a broad sense, in the conclusion it would be as you say.

Q. I asked you the question: did you consider that you were taking the food from the mouth of the POWs?

A. As I said, I wished to discover what were in those articles and, as I said, in the conclusion it would be as you say in your question. But at that time I did not think so.

Q. I do not know that that makes sense to me.

Q. I think ~~as said~~, ^{he meant that} ~~he~~ did not think about it at the time. ^{at}

Q. How will you tell the Court what authority Major BOD had to give you any Red Cross parcels whatsoever?

A. I do not think a question of authority would arise. It was a sort of affection of those that were interned in the camp towards the people that looked after them. When these parcels arrived, a large quantity arrived and when the parcels were given to me it was a sort of expression of mutual friendship as when a friend gives a present to somebody else. At that time no compulsion was enforced to receive the goods. It was a sort of present to me so that I would know what were in the articles.

Q. Nobody but you suggested yet that any compulsion was put on. What I want to know now is if you want the Court to understand it was a friendly gesture from Major BOD to you that he gave you Red Cross parcels belonging to other POWs.

A. I do not know what authority Major BOD gave me the articles but as we worked together for the POWs and when such a large quantity of goods arrived it was a happy event and the POWs offered the goods to me as a sort of affectionate humane feeling.

Q. Was it also an affectionate humane feeling that made the Governor-General give you some tinned goods from the Red Cross parcels?

A. I did not receive any Red Cross goods from the Governor-General. In answer to a question by the Defence I said I received some canned food from the Governor-General, but as for evidence in the proceedings that I received Red Cross parcels, I think it may be a mistake of the Interpreter. I would like to have evidence like that in the proceedings to be corrected.

PROSECUTOR: It is pag 455, third set of questions from the bottom, "Also there is a testimony . . . Red Cross parcels" that is in the record.

Q. Will you read that bit of the record to address? ^{Recd red.}

A. At that time I did not say anything like that. I said that I received a large quantity of canned food from the Governor-General's office. There might have been amixture with these canned goods and Red Cross canned goods.

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Col. TUNALIAGA.

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- Q. When did those canned goods come from? Where was their origin?
- A. I received distribution of tinned food from the administration department of the Governor-General's office from time to time.
- Q. Where did it come from? Was it from the Argentine, Great Britain, Japan or China?
- A. At the time of the occupation of Hong Kong, stocks of food were taken over and put under the control of the Governor-General's office and this food was distributed to me. This was not of Japanese origin and it was of foreign origin.
- Q. And it could not be confused with the goods that your chauffeur states he took to your home, could it?
- A. I think that the chauffeur was confused when he made the statement. I think he made a confusion with the Red Cross articles and those articles that were given to me by the Governor-General's office.
- Q. Will you tell the Court what you limited letters from POWs to their relatives to 50 words?
- A. It was laid down that all out-going letters of POWs were to be censored and if they were too long it would be very troublesome to censor them; therefore for convenience of censorship the letters were limited.
- Q. Letters that came to the POWs, were they also censored?
- A. They were not.
- Q. Are you telling the Court now that letters that came from ~~Canada~~ and Great Britain and other parts of the Allied countries were given to the POWs without any inspection by the Japanese whatsoever?
- A. They were examined and given to the POWs.
- Q. What is the difference between examining and censoring them?
- A. The same thing.
- Q. And the letters that came in were not limited in length?
- A. Incoming letters to the POWs were not limited.
- Q. Were any letters distributed to the POWs before they had been examined and/or censored by the Japanese?
- A. The meaning of your question is that letters from outside to the POWs, were any of the letters given to the POWs before they were censored by the Japanese side?
- Q. Yes.
- A. No, there never was such an instance. It was laid down that letters must be censored before they were to be distributed to the POWs.
- Q. Now then, were all the letters distributed to the POWs? Or were some of them not censored and therefore not distributed?
- A. Incoming letters to POWs were censored and if they were found detrimental from the army point of view they were not handed to the POWs but there were no letters sent back from the POWs because they had not been censored. I have no knowledge of such a thing.
- Q. What became of those letters that had harmful matter in them and were not given to the POWs?
- A. They were all sent to the POW Information Bureau, POWI.

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Col. J. J. J.

- Q. Do you not find it strange when your Counsel asked you "Was there ever a case of burnin' letters concernin' POWs?" that you did not explain that those letters were sent to TOKYO; it has taken you all this time to remember it.
- A. At that time I was asked whether any letters were burnt or not and I was only asked that, so I answered that no letters were burnt.
- Q. I would remind you that your promise is to tell the truth, the whole truth, which means everything you know about the thing, not just what you consider you should give. You had a house at HADDON Road for which you said you paid no rent. Who was your house-keeper?
- A. I do not know the name of the landlord. Living in this house was permitted by the Governor-General's office and I do not know whether the Governor-General's office paid rent for the house, but the house was under military control and therefore I lived in it.
- Q. There is possibly a mistake in translation here. I asked who the house-keeper was, not the landlord.
- A. What do you mean by house-keeper, do you mean the owner?
- Q. I will put it this way. What woman lived in that house and looked after the servants, and after you?
- A. There was a Chinese woman by the name of MARY.
- Q. Her name was MARY WONG was it not?
- A. Her name was WONG something in Chinese; it may have been MARY WONG, I do not know.
- Q. Did MARY WONG also live at WATERLOO Road when you went there?
- A. She was there.
- Q. Is it not true that MARY WONG kept a hospital at FINESTOWN Road while she was acting as your house keeper?
- A. That is correct.
- Q. Is it not also true she used to support her son, his wife and several children in an apartment house at 69 ROBINSON Road, HONG KONG?
- A. It is so.
- Q. Is it not true that the income of this woman came from you and from her hospital?
- A. I gave a small amount of money, also I fed her and as she was one of my employees I gave her a salary.
- Q. Is it not true that you also supplied her son and daughter in law and their children with food at 69 ROBINSON Road?
- A. It is true that I gave food to them once or twice but food was not continually issued to them.
- Q. Is it not true that the children received from you Red Cross candies called cod liver oil candies or caramels and also soap from Red Cross parcels with the letters "RSC" on them?
- A. I have no knowledge of that. I did give the children some caramels but they were not Red Cross goods.
- Q. Did they have "cod liver oil" in their or other vitamin contents, these caramels you gave the children?
- A. I do not know.
- Q. MARY WONG's hospital, is it not true that you supplied it with medicine?
- A. That is not true.

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Col. T. T. T. T.

- Q. Will you tell the Court now in the city of Hong Kong, Mary was able to get medicine for her hospital during the time you said it was unprocureable?
- A. I do not know.
- Q. In regard with the boundaries of SYMSWING camp, I want to see if you agree to this. The western boundary was the sea wall with no beach below it, not even at low tide.
- A. On the western side I firmly believe there was always water.
- Q. The northern side is also sea wall but there is a beach in front of it which is flat muddy land when the tide is down?
- A. I did not say it was marshy, I said at the time of low tide it was one-quarter.
- Q. I am not disputing what you said, I am asking you if this is not the correct situation, that there was a beach which became flat muddy land when the tide went out, i.e. in the northern side of the camp.
- A. That is correct.
- Q. The eastern boundary were fields lined by Chinese dwelling houses.
- A. As I remember it, I said that the eastern side was made up with farms and part of the boundary was the LT company and behind the farms and LT company there were some Chinese houses.
- Q. And the southern boundary was irregular, from the south-eastern corner it proceeded along a road visible from the camp until about 50 or 100 yards, from the road which came down to the main gate. Then it was interrupted by buildings, including the gendarmerie of which you spoke.
- A. In front of the gendarmerie building, part of the road would become invisible but I did not say all of the road would become invisible.
- Q. I am not accusing you of saying anything; I am asking you to agree or to put us straight to this. Do you agree part of the road that went from the gendarmerie was visible from the POW camp?
- A. As I said in my evidence, a main road came from the northern district and it turned in front of the gendarmerie to an eastern direction. I said that the road was about 40 metres in width and for quite a distance the view was unobstructed.
- Q. Do you also agree that on the northern side POWs could see the beach when the tide was out?
- A. As the POWs were prohibited from coming near the fence and as the sea wall was very high I do not think they could have seen the shore.
- Q. They could see some of the shore though, could they not?
- A. As I said the sea wall was very high, about 3 metres, and if they got on the top of the sea wall and looked down, they could see the shore but when you say part of the shore, it is very ambiguous, I don't know what you mean.
- ~~Q. That beach was~~
- Q. That beach stretched for about 2 miles part of the camp, at right angles to the northern boundary of the camp. It is true when a POW stood back from the wall part of the beach would be hidden from him if he stood on the wall he could see it all. All I have asked you is wherever he stood in view of that northern boundary he could see some of the beach. Do you agree to that?
- (Witness hesitates to answer) Cross-examination concluded.

At 1230 hrs. the Court adjourned till 1400 hrs.

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The Court re-assembled at 1400 hours.

12 January 1947.

1ST WITNESS FOR DEFENCE -- Col TOKUNAGA (ACCUSED)

RE-EXAMINATION -- Mr. FUJITA.

DEFENCE: This question will relate to something which the prosecuting Officer asked this morning. If you stood at the main gate at the Southern side of the Camp could you see the beach when the tide is out on the northern side?

COURT: Will it be possible for Col TOKUNAGA to draw a small sketch showing the shape of the Camp and the position of the road about which we have had so much argument. If he does that we could adjourn for a few minutes and he could make a sketch under your supervision and that of the Prosecuting Officer.

DEFENCE: I would be much obliged if that could be arranged.

COURT: The Court is adjourned while Col TOKUNAGA makes a sketch. The Court reassembled at 1415 hrs.

DEFENCE: I will now produce the sketch of the Camp which Col TOKUNAGA has made.

COURT: Mr. FUJITA, will you ask witness to explain: first of all are there two sketches here, one a plan and one an elevation showing the sea wall?

DEFENCE: Are there two sketches?

WITNESS: Yes, there are two sketches there; the other sketch shows the vertical section of the stone wall at the northern part of the camp.

COURT: I will come down from the stand and I want witness to come and point to things in the plan which I will ask him about.

COURT: Will you first of all show me where is the gendarme station?

WITNESS: Col TOKUNAGA indicates the location.

COURT: The Court marks the location of the gendarme station as "A".

COURT: Will you now show me the position of the guard house at SHAN SHUI PO and the main gate?

If he has not shown the guard house will he draw it in?

WITNESS: Indicates main gate and draws in the position of the guard house.

COURT: The Court marks the guard house as B and the gate as C.

COURT: Can you show the Court where were the Chinese tenement houses where the goods were stored; the Canadian parcels and Red Cross parcels were stored. If they are not marked will you draw them in?

Col TOKUNAGA fills in the position of the above.

COURT: The Court marks the location of the Chinese tenement houses where the Canadian parcels were stored as D.

COURT: Will he show the Court what he refers to as the main road?

Col TOKUNAGA indicates the road.

COURT: The main road referred to in the evidence is marked E.

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RE-EXAMINATION -- Mr. FUJITA (Cont).

COURT: Can you indicate the location of the Camp Commander's House?
Col TOKUNAGA indicates the location.

COURT: The house of the Camp Commander is marked F by the Court.

COURT: Also the Court marks the first plan as No.I (in Roman figures) and the second sketch as No.II (in Roman figures).

COURT: Will the witness give the height of the sea wall as shown here; first of all, then the height of the fence and also, I take it this shows high tide and low tide -- will he give the distance between low tide to the top of the wall. Does he mean three meters at high tide and five meters at low tide?

WITNESS: From the top of the wall to the sea level is three to five meters.

COURT: That is the sea level (indicating sketch) then what is this here -- does he mean this is what will be exposed at low tide, is that what he means?

WITNESS: At low tide that is the bottom of the sea.

COURT: When he says three to five meters does he mean the distance from here (indicating sketch) to the top of the wall, or the distance between high tide and low tide?

WITNESS: From the top of the wall to the sea level.

COURT: Is this a continuation of the sea wall -- does it represent the fence -- and the vertical section of the barbed wire fence, how high was that?

WITNESS: About three meters.

COURT: Can he say how broad the fence was -- how far did it extend from the back of the wall into the camp area?

WITNESS indicates extension of the wall.

COURT: Can he say how thick the fence was?

WITNESS: About two meters.

COURT: A man from the camp could not get nearer than two meters from the wall?

WITNESS: The barbed wire fence was fixed like this (indicates fixture) but actually POWs were not allowed to come within two meters of the fence.

COURT: I am not asking whether they were allowed to -- I want to know whether they could?

WITNESS: That is true.

COURT: Several witnesses have referred to the sentry walking on the outside of the wire fence along the sea wall, is that correct or not. They have referred to a very narrow place where the sentry could walk.

WITNESS: As I remember it there was no such place to walk at SHAN SHU PO.

COURT: Can you show the Court where is the pier that has been referred to sometimes as the Bamboo Pier?

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RE-EXAMINATION -- Dr. KUSITA (Cont).

WITNESS: There was a pier here (indicates position) and they probably referred to this place.

COURT: The pier referred to as "Bamboo Pier" is marked G.

COURT: The two sketches prepared by the witness, Col TORIYAMA, one a plan of the SHAN SHUI PO Camp and also a sketch in elevation showing the sea wall on the northern side, are marked, first of all, I and II, and the Exhibit is listed as D(5), initialled by the President, and attached to the proceedings.

DEFENCE:

- Q. Referring to my last question, if somebody stood near the main gate at the southern part of the camp, could they see the beach at low tide on the northern side of the camp?
- A. May be they could have seen the beach on the northern side, but at a distance, there were also some houses between so I do not think they could see.
- Q. When the medicine was brought on the TEIA MARU you said that somebody gave you instructions as to the distribution of this medicine, who was this man who gave these instructions?
- A. He was an official of the POW Information Bureau who came on the TEIA MARU.
- Q. You said that after some POWs escaped you went to the Governor General's Office in about 20 minutes, what sort of boat did you use to cross the bay?
- A. The boat I used was the same boat that the Commander on the KOWLOON side used and it was a boat provided by the Governor General's Office; at that time shipping difficulties were not so acute and such a boat was easily borrowed.
- Q. If a patient was hospitalized to the BOWEN ROAD hospital -- from the Kowloon side in what sort of a ship would such a patient be transported across the water?
- A. In such a case an application would be sent to the Shipping Unit and a boat supplied by the Shipping Unit would be used.
- Q. In your evidence you said that ferries were running across the bay, in such a case when a patient was hospitalized, were not the ferries used?
- A. Although ferries were running at that time the use of such ferries for POWs was prohibited by the Governor General. The reason why this was not allowed was because the ferries did not run very frequently and the ferries were always crowded, and also because of Intelligence and Communications reasons, it was thought that if the ferries were used by the POWs, it would be dangerous.
- Q. In your evidence you said that if an interpreter beat POWs in the presence of the Commander in Charge of a Camp, it could be thought that the Commander in Charge of the camp gave the order; did he usually witness such a case?
- A. It cannot be always thought that the Commander in Charge of a Camp would be responsible, that is, it could not always be thought that he gave the order, that is to say that if, although the Commander in Charge of the Camp is at the Camp, there might be cases that without his knowledge a beating took place, in that case, because the Commander in Charge of the Camp does not know about the beating, he would not be responsible, but if the beating took place before his eyes, that would be a different question.

DEFENCE: I have finished my questions.

QUESTIONS BY THE COURT:

- Q. Col TORIYAMA, for how long have you been an officer in the Japanese Army?

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QUESTIONS BY COURT (Cont).

- A. For 35 years as an officer.
- Q. And for how many years have you been of the rank of Major or higher than that?
- A. About 18 years.
- Q. You have told the Court, at the beginning of your evidence, that the guards at the hospitals were independent and there were what you have described as 'guard groups', now, could you explain that a little further?
- A. In the establishment of a POW Camp no guards are included. In such a case the Supervisor of a POW Camp, in the case of Hong Kong, the Governor General, would supply guards from his sub-ordinate units and he would leave the matter of guarding, by using these guards, to the Camp Commander. As such, those guards were not my sub-ordinates, and for matters concerning guarding only, they would come under my command. About matters of guarding, this did not run smoothly between the Commander of the Guards and the Commander in Charge of branch camps. Because of this, the best thing possible would have been that everything concerning the guards should have been left to the Camp Commandant, and I wish that such was the case, but nothing could be done at that time.
- Q. Now, to go a step further, the hospital at BOWEN ROAD, and what they called the Indian Hospital at ARGYLL STREET, they were also under your control and administration in the same way as was SHAN SHUI PO, is that right?
- A. That is correct.
- Q. When the Formosans came to act as guards, did they also supply the guards for BOWEN ROAD and the Indian Hospital?
- A. They did guard duty at those two places.
- Q. When did you first come to know that the Chief of Staff, ARISUE, had been killed? I am not asking when he was killed -- I want to know when you first heard he had been killed?
- A. As I remember it, sometime during the end of 1944, but I am not very positive about the date.
- Q. Supposing there were times possibly when you might have been away from your office, or away from Hong Kong, or not immediately available; if you were not immediately available, could Dr. SAITO, in the case of an emergency, have sent a patient to hospital without getting your consent first?
- A. Yes there were some cases like that and I received the report later.
- Q. Could the Camp Commander of any Camp have stopped the sending of a seriously sick man to hospital?
- A. Do you mean in a case when Dr. SAITO wished to send a man to hospital.
- Q. Take, for instance, the case of a man who was seriously ill, and Dr. SAITO said this patient had to go to hospital, could the Commander in Charge at SHAN SHUI PO Camp have said 'no' this man cannot go to hospital?
- A. I do not think there ever was such a case.
- Q. If a man was sent to hospital, he probably would be very ill, do you agree to that?
- A. There would be degrees of seriousness, but I agree with you.
- Q. And when such a man was sent to hospital, there would be someone in charge of him; there would either be a guard or a Japanese medical orderlie, is that correct?
- A. Yes, POW doctors sometimes would go with the patient; if a doctor was not available, a POW medical orderlie would be sent.
- Q. Yes, but would there not be someone from the Japanese side as well;

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QUESTIONS BY COURT (Cont).

a guard or a J.C.O. or something like that?

- A. For the sake of guarding, there would be some guards from the Japanese side but if the patient should become very ill during transportation there always was either a POW doctor or a POW medical orderlie to look after him.
- Q. You told the Court, in answer to a question from Defence Counsel, that the Governor General would not allow POWs to be taken on the ferry because it would be 'dangerous', now, could you explain what danger would be caused by a very sick man who was placed on the ferry under guard?
- A. I do not think I said 'dangerous', if I did, I meant that because the ferries were crowded, and because there were people of different nationalities on the ferry, there would be the danger of having information spread, may be that is what I meant by 'dangerous'.
- Q. You told the Court that you tried to arrange for a POW to be hospitalized in a Japanese hospital, but this was refused because you were told ST TERESA'S was available, and also BOWEN ROAD: after ST TERESA'S was closed down, and was no longer available to POWs, did you try again to have the Japanese hospital made available to POWs?
- A. Yes, I consulted with the Superintendent of the Army hospital.
- Q. And what was the result?
- A. The result was the same as the last time -- the Superintendent of the hospital refused to have any POW patients, and I applied to the Governor General's office to have POWs accommodated in the Army Hospital, but this was refused also.
- Q. After all the POWs were moved from NORTH POINT Camp to SEAM SHUI PO, did it not occur to you that it would have been much simpler to have a hospital-over on the KOWLOON side rather than at BOWEN ROAD. Would it not have been much simpler for you and also for Dr. SAITO, to have had a Camp hospital over on the KOWLOON side?
- A. Yes, I thought about that myself, but on the Kowloon side there was no hospital available that had the same good equipment and building as the BOWEN ROAD Hospital.
- Q. Can you explain then why it was that ST TERESA'S hospital was closed and not BOWEN ROAD?
- A. ST TERESA'S hospital was closed in accordance with an order from the Governor General's Office, but at that time I said it would cause a lot of inconvenience, and thus gave my opinion, but they said that everyone would be inconvenienced, and my opinion was not listened to, and ST TERESA'S was closed and not BOWEN ROAD.
- Q. We have had a witness who has described how a Colonel from the Intendence Department came around at SEAM SHUI PO Camp on a tour of inspection in the Company of yourself, do you remember that?
- A. I remember.
- Q. And on that occasion he asked questions to a British Camp Commandant, and as a result, he gave instructions that food and other conditions were to be improved, and in particular, more meat would be made available, and for a short time that was done, do you remember a witness saying that?
- A. Yes, I remember what the witness said.
- Q. Now, from where did that Intendence Colonel come?
- A. He was in charge of the Intendence Section of the 23RD Army.
- Q. And so, he was under the Command of the Governor General, is that correct?
- A. Just at that time the 23RD Army was handing over duties to the Governor General -- I did not say this before, but there was a lapse of one week that the Camp came under the command of the 23RD Army. Therefore,

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QUESTIONS BY COURT (Cont).

he was an Intendant Officer from the Chief Supervisor of the POW Camp.

- Q. Now, you remember the occasion that Lt BARNETT called out to Mr. ZINDEL when Mr. ZINDEL visited the Camp at SHAN SHUI PO?
- A. I remember.
- Q. What action did you take as a result of Lt BARNETT calling out to Mr. ZINDEL in that way?
- A. At that time I said 'take him away' -- 'take him over there and interrogate him'; I did not do anything on the spot as I continued with the inspection.
- Q. To whom did you give the order to interrogate?
- A. At that time I said 'take him over there and interrogate him'. The episode happened so very suddenly, and at that time, Sgt HARADA was there, and I think I ordered Sgt HARADA to do that, but in ordinary circumstances, if the episode did not happen so suddenly, such a thing would be ordered to the Commander in Charge of the Camp.
- Q. Do you understand any English?
- A. I do not understand English.
- Q. Do you understand French?
- A. I understand a little French.
- Q. And is it not a fact that when Lt BARNETT called out, he called out both in English and in French?
- A. I heard later that Lt BARNETT called out in English and French, but as I have just said, I did not understand English and everything in the camp was spoken in English, and I decided as I did not understand English, I would not understand so I do not know whether he spoke in English or French at that time?
- Q. Was Interpreter NIMORI with you at that time -- or any other interpreter?
- A. Interpreter NIMORI was there.
- Q. And did NIMORI tell you what Lt BARNETT Called out?
- A. He did not -- something was spoken and Interpreter NIMORI tried to stop the speech. At that time I thought that Lt BARNETT became suddenly crazy. When he called out he became white in the face and he said something very quickly, therefore, I thought that he became suddenly crazy and I asked to have him brought somewhere and interrogated.
- Q. Would it be right to say that after the fighting ceased in Hong Kong -- in the months following -- there was not so much need for so many Japanese troops and therefore in say 1942, Japanese troops were being drafted elsewhere -- out of Hong Kong -- and that Japanese troops were leaving the colony at that time?
- A. I agree with you.
- Q. On the question of Red Cross parcels, I think you told the Court, the godowns at GUN CLUB HILL had sentries and guards, who provided these sentries?
- A. The guards belonged to the Garrison but I do not know what unit supplied them.
- Q. When you say garrison, what garrison do you mean?

Interpreter: May I make a correction in interpretation: the translation into English of the Japanese word may be taken as garrison or guarding unit -- I wish to change the word 'garrison' into 'guarding unit'. Witness has answered the guards that were provided for guarding but I do not know what unit these guards came from.

- Q. But as far as the guarding goes -- they were the same sort of guards

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QUESTIONS BY COURT (Cont).

that were sent to you for guarding the POW Camp, and as such they were responsible to you?

A. That is correct.

Q. Now, you referred to a man called ABG who you described was a civilian employed by the Army, how much pay did he draw?

A. I do not know exactly myself but I think it was something like 100 yen

Q. 100 yen a month?

A. Yes, 100 yen a month.

Q. Will it be right to say, in addition to the General Regulations which you have said were laid down by the Governor General in his capacity of Supervisor of POW Camps, there were also administrative regulations for POWs governing minor matters of administration, organization and discipline in the different camps, is that right?

A. Besides the general regulations there were minor regulations which actually stipulated the carrying out of the general regulations; some of these minor regulations were administrative regulations.

Q. Is it right to say in your capacity as Camp Commandant that you drafted some of these regulations -- you drew up some of these regulations?

A. The Governor General's Office would stipulate various regulations in accordance with the regulations of the War Ministry and about the actual carrying out of these regulations, I made some minor regulations.

Q. Do you remember a witness, Sgt Maj LEWIS, who described, on certain occasions when regulations were announced in the Camp they would always be headed "The Camp Commandant directs" ... do you ~~remember~~ agree that Sgt Maj LEWIS was right on that point?

A. Yes, there might be cases like that. In the Japanese Army even when orders are received from higher authorities these orders would be broken down and it would be addressed like that.

Q. You agree, therefore, that there were a number of minor regulations and rules in the Camps which it was necessary to enforce?

A. Yes, there were.

Q. And you also agree that you, as a very busy man, could not be expected to be running around all the camps yourself seeing that all these regulations and rules would be carried out and that they had to be left as part of the duty of the Camp Commander, is that right?

A. There might have been some cases like that but I cannot absolutely say that there were not such cases.

Q. Do you agree that POWs would be likely to be rather troublesome people, and quite often would break these minor rules or regulations, or discipline, in other words?

A. I do not understand what you mean by troublesome.

Q. For instance, there was a rule in existence, a very strict rule about saluting -- all POWs would salute Japanese officers and guards and N.C.O's etc. some POWs might be troublesome and not carry out the order as strictly as you would have wished it to be carried out -- that is what I mean by troublesome -- that sort of thing --

A. Now I understand what you mean by troublesome. I thought what you meant by troublesome was a nuisance -- I understand what you mean by troublesome so I will answer your question. There might have been cases like that.

Q. Do you agree in cases of these minor incidents of being troublesome the Camp Commander or Guard Commander would not report the matter to you, but he would take steps to enforce the order himself; that is what you yourself would expect him to do, isn't it?

A. Such a person did not have the power of punishment; as I have just said, there might have been such cases, and such persons might have punished, but I cannot say definitely if this happened or not.

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QUESTIONS BY COURT (Cont).

- Q. Isn't it a fact that ^{it} is quite customary and not regarded as at all remarkable in the Japanese Army for a N.C.O. or commissioned officer to administer a slap to a person for some breach of an order -- I think it is quite customary for such a thing to be done, do you agree?
- A. I quite agree with you; in the Japanese Army it is thought that to give punishment on the spot like that and forget about it is the best. However, although that may be the case -- the custom in other countries would be different and precautions were taken so that this custom would not be carried out.
- Q. With regard to your interpreters is it correct to say that although they had the honorary status of officers, they were ~~respected~~ ^{respected} due respect, although they had not, in effect, actual powers to command, is that correct?
- A. That is correct.
- Q. Would it be correct to say the troops would look up to them and respect them and think that what they did was probably the right thing to do?
- A. Quite true, do you mean Japanese soldiers?
- Q. I am thinking particularly of the Formosan Guards who were employed as guards in your camp.
- A. Yes, they would respect the interpreters, but in regard to beatings, I do not believe that they would do the beatings because the interpreters did, or that they would obey the orders of interpreters to do such a beating.
- Q. Do you remember the affidavit of Col HOME'S in which there was a letter which he wrote to you reporting an incident in which a Japanese guard, apparently because the POW did not understand something that was said to him, ~~brandished~~ ^{brandished} him with a ~~file~~ ^{file}, do you remember that having been read?
- A. I do not remember clearly that incident having been read, but if such an incident is mentioned in the affidavit, then it must have been read.
- Q. Do you remember Col HOME making a complaint to you about this incident.
- A. I am sorry I have to say I do not remember the incident, - may be if you show me the paragraph I can recall it.

The President reads the paragraph referred to (Exhibit "H") C(2) from the affidavit of Lt Col HOME.

^{Presumably all}
This is a letter sent to Lt WADA for transmission to you, dated the 16th July 1943. The incident refers to a certain Pte BROSS, a Canadian soldier of the Winnipeg Grenadiers. While on duty as Hut-Guard at about 12.30 hours midnight on the 16th July, two Japanese soldiers appeared and shouted to him. Pte BROSS stood to attention but did not understand what was said to him. One of the Japanese guards jabbed Pte BROSS in the right groin with his bayonet.

- A. I understand.
- Q. Do you remember this incident or was it reported at all by Lt WADA?
- A. I have no knowledge of the episode nor have I received any report on the matter.
- Q. Did you ever receive other complaints, either by letter or verbally from Major General MALTBY or Col HOME or any other British Officer, who was a POW Representative, that guards and interpreters frequently and habitually struck the POWs in Camps?
- A. No, I did not receive such reports -- I do not remember receiving such reports.
- Q. To go back for a minute to Red Cross parcels -- can you tell the Court what happened to parcels belonging to personnel who had died or who had been sent on draft to Japan. We have had it in the evidence that

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QUESTIONS BY COURT - Cont.

by the end of 1942 there had been quite a considerable number of deaths in the camps and that quite a number of the POWs had been drafted to Japan, so that there should have been a lot of Red Cross parcels over, can you tell the Court what happened to those?

- A. I made preparations to have these parcels sent to Japan but at that time absolutely no ships were available and in accordance with instructions received from the Information Bureau, I had the parcels passed on to the POW Representative, who distributed them amongst the POWs. This distribution was done by the POWs themselves. My explanation is not sufficient so I wish to continue.

What I said just now was about the distribution of the parcels that came on the TEIYA MARU and AWA MARU, but the parcels that came on the KAMAKURA MARU, these were sent to Japan through the assistance of POWs that were being sent to Japan on draft at that time.

- Q. Was it part of the Governor General's duty, or his Chief of Staff, to make reports to TOKYO or the Minister of War, as to events taking place in Camps and conditions in Camps?
- A. Of course, as Chief Administrator of the POW Camp, it could be thought that such reports were made.

- Q. Do you know whether either the Governor General or the Chief of Staff made a report to TOKYO about the four Canadian escapees who were shot, or the five British POW escapees who were shot?
- A. I do not know.

- Q. In consequence of your two reports which you sent to the POW Information Bureau about these two POW executions, did you receive any reply or comment on it from the POW Information Bureau?
- A. No answer was received from the POW Information Bureau.

- Q. You have described to the Court how different the tradition is in Japanese thought and British and American thought as to the status of POWs, i.e. in the way which they are looked upon; -- now, you are a traditional soldier, brought up in the traditions of the Japanese Army, now could you tell the Court whether you were not influenced in your dealings towards POWs rather from your traditions and training as a Japanese soldier than from the actual viewpoint of an ^{actual} Japanese?
- A. That did not influence my treatment of the POWs -- I treated the POWs in accordance with the policy I laid down when I was appointed POW Camp Commandant. At that time Japan was engaged in a very difficult battle and as I have explained, the authorities and units directly concerned with me in the treatment of POWs did not fully understand the situation. At that time I tried to do my best in the treatment of the POWs, but I know that my endeavours were not sufficient, and I am sorry for that.

The Court is adjourned until 1000 hours tomorrow,
13th January 1947.

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NO. 5 War Crimes Court.

36TH DAY's Proceedings of the Trial of Col. TOKUNAGA Isao,
Capt. SAITO Shunkichi, Lt. TANAKA Hitoshi, Interpreter TSUTADA Itsuo
and Sgt. HARADA Jotaro.

(Held at Jardine Matheson's East Point Godown)

~~The last re-assembly~~ etc

On 14th January, 1947, at 1000 hrs.

1ST WITNESS FOR THE DEFENCE - Col. TOKUNAGA Isao (Accused)

questioned by the Court (Contd.)

COURT: Will you remind the witness that he is still bound by
his Solemn Declaration.

- Q. You have frequently referred to the Governor-General as the supervisor of the POW camps and the man who was ultimately responsible to TOKYO for all that went on in the camps. If that was so, will you explain how it was that the Governor-General did not summon you and your staff when you took over the camps to explain his policy about POW camps?
- A. I do not know why he did not inform his policy to me; in fact he did not summon me and my subordinates for a lecture. At the time of my arrival in HONG KONG the chief supervisor of the POW camp was not the Governor General; it was the commander in charge of the 23 army. I met the Commander in Chief of the 23 army at CANTON and received instructions about treatment of POWs. About a week later the Governor General's office was organised and the POW camp came under the control of the Governor General's office and, as I said yesterday, the length of time the POW camp was under the supervision of the Commander in Chief of the 23 Army was very short.
- Q. Did the Governor General, not the commander of 23 army, ever come and inspect the POW camps himself?
- A. No.
- Q. Did the Chief of Staff ARISUE or any other officer in a similar position to ARISUE ever come and inspect the camps?
- A. Chief of Staff ARISUE and the subsequent Chief of Staff SUGANAMI, OUZAWA also came and visited the camp. Also there was one named KIKUCHI.
- Q. How often did these Chief of Staff officials inspect the camp?
- A. At the time of their appointment they always came to visit.
- Q. Just on the one occasion?
- A. Only once.
- Q. You have stated that you were the Governor General's subordinate in matters dealing with POWs and the organisation and administration of camps. If that was so why didn't you make your report as to the escape of POWs and the circumstances attending their killing direct to the Gov.-General through the Chief of Staff, instead of sending it straight to TOKYO without apparently any reference to the Governor General at all?
- A. At the same time it was reported to the Governor General.
- Q. You mean the same report, both which we have heard read in Court and we have seen, about the 4 Canadians escapees who were shot trying to get through the wire and the other five English POWs also being shot while trying to escape - were those reports also sent to the Governor-General?
- A. The report I sent to the Gov. General was exactly the same as that sent to TOKYO.

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